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2000

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 24, Issue 37
September 8, 2000

Pages 13,442 – 13,758

ILLINOIS DOCUMENTS

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ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000	
Issue 29 - July 14, 2000: Data Through June 30, 2000	
Issue 42 - October 13, 2000: Data Through September 30, 2000	
Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)	

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 15	March 27	April 7	Issue 42	October 2	October 13
Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Freedom of Information

2) Code Citation: 2 Ill. Adm. Code 3201

3) Section Numbers: Proposed Action:
3201.10 New Section
3201.20 New Section
3201.100 New Section
3201.110 New Section
3201.200 New Section
3201.210 New Section
3201.300 New Section
3201.310 New Section
3201.400 New Section
3201.410 New Section
3201.420 New Section
APPENDIX A New Section

4) Statutory Authority: The Illinois Building Commission Act [20 ILCS 3918] and the Freedom of Information Act [5 ILCS 140].

5) A Complete Description of the Subjects and Issues Involved: Establishes the required Freedom of Information rules in accordance with the Freedom of Information Act [5 ILCS 140]. Public Act 91-0704, effective July 1, 2000, specifies that the Capital Development Board rather than the Department of Public Health shall assist the Commission with its administrative responsibilities. The Capital Development Board advised the Commission to establish its own individual FOIA rules.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jerry B. Crabtree
Code Administrator
Illinois Building Commission
222 South College

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

Springfield, Illinois 62704
217/557-7907

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the administrative support function of the Commission would be transferred to the Capital Development Board when the January 2000 regulatory agenda was published.

The full text of the Proposed Rule begins on the next page:

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER LXII: ILLINOIS BUILDING COMMISSION

PART 3201

FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section
 3201.10 Summary and Purpose
 3201.20 Definitions

SUBPART B: REQUEST PROCEDURES

Section
 3201.300 Person to Whom Requests are Submitted
 3201.110 Form and Content of Requests

SUBPART C: PROCEDURES FOR FREEDOM OF INFORMATION OFFICER'S RESPONSE TO
 REQUESTS FOR PUBLIC RECORDS

Section
 3201.200 Timeline for Freedom of Information Officer's Response
 3201.210 Types of Responses to Requests for Public Records

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
 3201.300 Appeal of a Denial
 3201.310 Executive Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
 3201.400 Copies of Public Records
 3201.410 Inspection of Records
 3201.420 General Materials Available from the Office of the Commission

APPENDIX A Fee Schedule for Duplication of Public Records

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

SUBPART A: INTRODUCTION

Section 3201.10 Summary and Purpose

- a) This Part is established to further the policy of the State of Illinois whereby all persons are entitled to full and complete information regarding the affairs of government and the officials and policies of those who represent them as public officials and public employees consistent in the terms of the Freedom of Information Act [5 ILCS 140/11]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of the Illinois Building Commission (Commission) while, at the same time, protecting legitimate privacy interest and maintaining administrative efficiency.
- b) This Part creates a procedure by which the public may request and obtain public records. Therefore, it is being filled in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)].

Section 3201.20 Definitions

Terms used in this Part shall have the same meaning as in Section 2 of the Freedom of Information Act [5 ILCS 140/2].

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" means the individual responsible for receiving and processing the requests for public records.

"Requestor" means a person who submits a request for public records in accordance with this Part.

"Commission" means the Illinois Building Commission

SUBPART B: REQUEST PROCEDURES

Section 3201.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to:

Freedom of Information Officer
 Illinois Building Commission
 222 South College
 Springfield, Illinois 62704

Section 3201.110 Form and Content of Requests

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

- a) Requests for public records shall be in writing.
- b) The requestor shall provide the following information in a request for public records:
 - 1) The requestor's full name, address and telephone number;
 - 2) A brief description of the public records sought, being as specific as possible;
 - 3) A statement of whether the request is for inspection of public records, copies of public records, or both; and
 - 4) A statement of whether the records need to be certified.

SUBPART C: PROCEDURES FOR FREEDOM OF INFORMATION OFFICER'S RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 3201.200 Timeline for Freedom of Information Officer's Response

- a) The Freedom of Information Officer shall, promptly, either comply with or deny a written request for public records within 7 working days after the receipt [5 ILCS 140/3(c)].
- b) The Freedom of Information Officer may extend the 7 day period an additional 7 working days for any of the reasons specified in Section 3(d) of FOIA. The Freedom of Information Officer will notify by letter the person making the written request of the decision to deny the request, the reasons for the denial and contact information for those making the decision. [5 ILCS 140/9]

Section 3201.210 Types of Responses to Requests for Public Records

- a) The Freedom of Information Officer shall respond to a request for public information in writing, in one of three ways:
 - 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
- b) The response shall be signed by the Freedom of Information Officer.
- c) Upon approval of a request for public records, the Freedom of Information Officer shall either provide the materials immediately, give notice that materials shall be made available upon payment of reproduction costs, give notice of the time and place for inspection of records, or request that the requestor contact the Freedom of Information Officer to schedule a time and place for the inspection of records.
- d) Categorical requests considered by the Freedom of Information Officer to be unduly burdensome shall be denied pursuant to Section 3(f) of FOIA. Before making this determination, the Freedom of Information Officer shall provide an opportunity to the requestor to confer and reduce the request to manageable proportions. The Freedom of Information Officer shall consider a request to be unduly burdensome if the burden on the Officer of the Commission outweighs the public interest in the information. Repeated requests for the same public

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

- records by the same person shall be deemed unduly burdensome [5 ILCS 140/3(f)].
- e) A denial of a request for public records shall be made in writing and shall state the reasons for the denial and the names and titles of the individuals responsible for the decision pursuant to Section 9(a) of FOIA. Denials of requests determined to be unduly burdensome shall also explain the extent to which compliance with the request would unduly burden the operations of the Officer of the Board pursuant to Section 3(f) of FOIA. Each notice of denial shall inform the requestor of his/her right to appeal to the Executive Director. [5 ILCS 140/9]
 - f) Failure to respond to a written request within 7 working days after its receipt by the Office of the Commission shall be considered by the requestor to be a denial of the request [5 ILCS 140/3(c)].

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 3201.300 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Executive Director pursuant to Section 10 of FOIA. The notice of appeal shall be made in writing and sent to:

Executive Director
Illinois Building Commission
222 South College
Springfield IL 62704
- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor and a statement of the reasons why the appeal should be granted. If the appeal is filed because the requestor did not receive a response to a written request for information, the notice of appeal shall state that this is the reason for the appeal.

Section 3201.310 Executive Director's Response to Appeal

- a) Upon receipt of the notice of appeal the Executive Director shall review the public record requested and shall determine whether the record is available for public inspection and copy. The Executive Director shall notify the person making the appeal of such determination within 7 working days after the notice of appeal is received [5 ILCS 140/10(a)].
- b) If the Executive Director determines the public record is exempt from public inspection, the Executive Director shall notify the requestor in writing of the denial and the reasons for the denial and shall inform the requestor of his/her rights to judicial review under

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

Section 11 of FOIA [5 ILCS 140/9(a)].

SUBPART B: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 3701.400. Copies of Public Records

- a) Copies of public records shall be provided to the requestor upon payment of any charges that are due except as provided in subsection (c) of this Section.
- b) Charges for the certification and copies of public records shall be assessed in accordance with Appendix A of this Part.
- c) Charges may be waived in any case where the *Freedom of Information Officer determines the waiver serves the public interest* [5 ILCS 140/6(b)]. The Freedom of Information Officer will base this determination on the requestor's ability to pay the charge and whether the requestor's organization serves the citizens of Illinois as a whole.

Section 3701.410. Inspection of Records

- a) Records of the Commission shall be available unless otherwise exempt under Section 7 of FOIA, during the hours of 8:30 a.m. through 5 p.m. Monday through Friday (except for State holidays). The requestor must contact the Freedom of Information Officer to schedule an appointment to inspect requested records.
- b) An employee of the Commission may be present throughout the inspection. A requestor will be prohibited from bringing bags, briefcases or other containers into the inspection room.
- c) Documents that the requestor wishes to have copied shall be segregated during the inspection. All copying shall be done by Commission employees.

Section 3701.420. General Materials Available from the Office of the Commission

The following materials shall be made available by the Office of the Commission without charge pursuant to Sections 4 and 5 of FOIA:

- a) A brief description of the organizational structure and budget of the Office of the Commission.
- b) A brief description of the means for requesting information and public records.
- c) A list of types and categories of public records maintained by the Office of the Commission.

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

Section 3701. APPENDIX A. Fee Schedule for Duplication of Public Records

Type of Duplication	Per Copy Charge
Paper copy from paper original	\$.25
Paper copy from microfilm original	\$.50
Certification fee	\$1.00

Some records possessed by the Commission are in book or pamphlet form. The charge for such materials shall be the cost of the materials incurred by the Commission.

ILLINOIS BUILDING COMMISSION
NOTICE OF PROPOSED RULE

1) Heading of the Part: General Policies

2) Code Citation: 2 Ill. Adm. Code 3202

3) Section Numbers:

- 3202.100 New Section
- 3202.200 New Section
- 3202.300 New Section
- 3202.400 New Section
- 3202.500 New Section
- 3202.600 New Section
- 3202.700 New Section
- 3202.800 New Section
- 3202.900 New Section
- 3202.950 New Section
- 3202.1000 New Section
- 3202.1100 New Section
- 3202.1200 New Section
- 3202.1300 New Section

4) Statutory Authority: The Illinois Building Commission Act [20 ILCS 3918]

5) A. Complete Description of the Subjects and Issues Involved: Outlines the General Policies of the Illinois Building Commission pursuant to the Illinois Building Commission Act [20 ILCS 3918] (Act). Establishes the policies related to the normal conduct of business by the Commission and how the general public may submit written comments to the Commission office. Establishes rules for the deposit of funds into the Illinois Building Commission revolving fund in compliance with the Act. Replaces repealed 2 Ill. Adm. Code 1175.335, effective July 20, 2000, of the Department of Public Health rules entitled Public Information, Rulemaking and Organization. Public Act 91-0704, effective July 1, 2000, specifies that the Capital Development Board rather than the Department of Public Health shall assist the Commission with its administrative responsibilities.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

ILLINOIS BUILDING COMMISSION
NOTICE OF PROPOSED RULE

1) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Jerry B. Crabtree, Code Administrator
Illinois Building Commission
222 South College
Springfield, Illinois 62704
217/557-7907

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the administrative support function of the Commission would be transferred to the Capital Development Board when the January 2000 regulatory agenda was published.

The full text of the Proposed Rule begins on the next page:

ILLINOIS BUILDING COMMISSION
NOTICE OF PROPOSED RULE

ILCS 3918/45].
Section 3202.300 Definitions

- "Act means the Illinois Building Commission Act [20 ILCS 3918].
- "Administrative Code Division" means the unit of the Office of the Secretary of State Index Department that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.
- "Commission" means the Illinois Building Commission.
- "IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].
- "Joint Committee" means the Joint Committee on Administrative Rules created by Section 5-90(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-90(a)].
- "Rule" means each agency statement of general applicability that implements, applies, interprets or prescribes law or policy, and that affects the private rights of or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued under Section 5-150 of the IAPA, intra-agency memoranda or the prescription of standardized forms [5 ILCS 100/1-70].
- "State Building Requirements" means any law, rule or executive order implemented by the State of Illinois affecting the construction of buildings in Illinois.

Section 3202.400 Agenda

The agenda of all meetings and hearings held by the Commission and its subcommittees will be set by the Commission and will be made available to the public.

Section 3202.500 Meetings of the Commission

All meetings of the Commission are open to the general public. The Commission encourages and will accept and consider written comments by members of the public prior to Commission meetings, time permitting.

Section 3202.600 State Building Requirements Review

The Commission shall review proposed State building requirement amendments and

ILLINOIS BUILDING COMMISSION
NOTICE OF PROPOSED RULE

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXII: ILLINOIS BUILDING COMMISSION

PART 3202
GENERAL POLICIES

- Section Authority and Purpose
- 3202.100 Assistance from the Capital Development Board
- 3202.200 Definitions
- 3202.300 Agenda
- 3202.400 Meetings of the Commission
- 3202.500 State Building Requirements Review
- 3202.600 Publication of Notices, Proposals and Action by the Commission
- 3202.700 Receipt of Comments from the Public
- 3202.800 Rulemaking Requests to the Commission by the Public
- 3202.900 Commission Revolving Fund
- 3202.950 Submission of Complaints
- 3202.1000 Obtaining Other Information
- 3202.1100 Coordination with State Agencies and the General Assembly
- 3202.1200 Coordination with the Joint Committee on Administrative Rules and the Administrative Code Division
- 3202.1300

AUTHORITY: Implementing and authorized by the Illinois Building Commission Act [20 ILCS 3918].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 3202.100 Authority and Purpose

The Commission shall serve in an advisory capacity on all proposed State building requirement amendments and proposed legislation for conflicting requirements to current State law or current building requirements. Additionally, the Commission will provide recommendations to the proper authority or State agency when necessary on building requirements that have generated concern. The Commission will establish subcommittees in accordance with Part 3200.240 to assist in the review and monitoring of legislation and administrative rules in Illinois. The Commission will develop and maintain a long-term plan to improve administration and enforcement of State building requirements.

Section 3202.200 Assistance from the Capital Development Board

The Capital Development Board shall assist the Commission in carrying out its functions and responsibilities by providing administrative and staff support. The Commission shall advise the Board of its budgetary and staff needs. [20

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULE

proposed legislation for conflicting requirements to current State law or current building requirements and make recommendations concerning those amendments or laws to the proper authority. The Commission shall suggest a standard form for requesting compliance alternatives and modifications of State building requirements; forward compliance alternatives requests to the appropriate State agency for action; and suggest procedures and formats for appeals of State agency decisions. [20 ILCS 391B/30]

Section 3202.700 Publication of Notices, Proposals and Action by the Commission

All notices, proposals and certifications of action issued by the Commission will be published in accordance with the Open Meetings Act [5 ILCS 120].

Section 3202.800 Receipt of Comments from the Public

The Commission will encourage members of the public to submit comments directly to the Commission. The Commission will likewise encourage that comments also be directed to the agency involved for its consideration. This policy will not limit the Commission from addressing issues not presented initially to the agency involved.

Section 3202.900 Rulemaking Requests to the Commission by the Public

Members of the public may submit requests to the Commission for adoption, modification or repeal of the rules of the Commission as provided under Section 5-145 of the IAPA [5 ILCS 100/5-145]. The Commission will consider such requests and inform the petitioner of the disposition of the request in writing. Such requests must be in writing and must contain the following information:

- The names and addresses of the persons or groups presenting the request;
- The specific rules of the Commission that the request believes should be modified or repealed;
- The specific language the requestor believes should be adopted as a rule by the Commission;
- The description of the effect of the rules or lack of rules on the persons or groups presenting the request;
- The specific reasons the requestor believes that the Commission should take the rulemaking action; and
- Any additional facts or documentation necessary to explain and support the request.

Section 3202.950 Commission Revolving Fund

The Illinois Building Commission Revolving Fund is established to deposit funds received from services offered. *The Illinois Building Commission may establish fees, each of which may not exceed \$250 or an amount approved by the Joint*

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULE

Committee on Administrative Rules for services provided in fulfilling its mandate under the Illinois Building Commission Act. All fees collected by the Commission shall be deposited into the Illinois Building Commission Revolving Fund. The Commission may also accept donations or moneys from any other source for deposit into the fund. All interest accrued on the fees, donations and other deposits to the fund shall be deposited into the fund. All moneys in the Illinois Building Commission Revolving Fund may be used, subject to appropriation by the General Assembly, to carry out the activities of the Act. [20 ILCS 391B/50]

Section 3202.1000 Submission of Complaints

Interested persons or groups may submit complaints to the Commission. Complaints shall be addressed to Commission members or the Executive Director, Illinois Building Commission. Each complaint must include at a minimum:

- A statement identifying how the complaint falls within the Commission's jurisdiction;
- The names and addresses of the persons or groups presenting the complaint;
- The specific issue of the complaint;
- The specific reasons the complainant believes that the Commission should take action; and
- Any additional facts or documentation necessary to explain and support the complaint.

Section 3202.1100 Obtaining Other Information

Other information about the operation and programs of the Commission may be obtained by addressing specific questions to the Executive Director.

Section 3202.1200 Coordination with State Agencies and the General Assembly

State agencies and the General Assembly are invited to address the Commission with comments, concerns or suggestions about State building requirements. Written submission will be required for the Commission to conduct an official review for the requestor. The Commission will review the submission and respond within 30 days after receipt.

Section 3202.1300 Coordination with the Joint Committee on Administrative Rules and the Administrative Code Division

When the Commission proposes or is required to review rules, it will do so prior to or in conjunction with the Joint Committee and Administrative Code Division in order to facilitate timely promulgation of the rules.

ILLINOIS BUILDING COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 3200

3) Section Numbers: Proposed Action:
 3200.100 New Section
 3200.110 New Section
 3200.120 New Section
 3200.130 New Section
 3200.140 New Section
 3200.150 New Section
 3200.200 New Section
 3200.210 New Section
 3200.220 New Section
 3200.230 New Section
 3200.240 New Section
 3200.250 New Section
 3200.260 New Section
 3200.270 New Section
 3200.280 New Section
 3200.290 New Section
 3200.300 New Section
 APPENDIX A New Section

4) Statutory Authority: The Illinois Building Commission Act [20 ILCS 3918]

5) A Complete Description of the Subjects and Issues Involved: Outlines the rulemaking and organizational activities of the Illinois Building Commission. Replaces repealed Section 2 Ill. Adm. Code 1175.335, effective July 20, 2000, 24 Ill. Reg. 11662, of the Department of Public Health rules entitled Public Information, Rulemaking and Organization. Public Act 91-0704, effective July 1, 2000, specifies that the Capital Development Board rather than the Department of Public Health shall assist the Commission with its administrative responsibilities.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this

ILLINOIS BUILDING COMMISSION

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Proposed rulemaking: Interested persons may submit written comments to:

Jerry B. Crabtree
 Code Administrator
 Illinois Building Commission
 222 South College
 Springfield, Illinois 62704
 217/557-7907

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated that the administrative support function of the Commission would be transferred to the Capital Development Board when the January 2000 regulatory agenda was published.

The full text of the Proposed Rule begins on the next page:

ILLINOIS BUILDING COMMISSION
NOTICE OF PROPOSED RULES

Section 3200.110 Development of Rules

Rules of the Commission are developed by the Commission members or by the Commission staff under the specific direction of the Commission.

Section 3200.120 Consideration by the Commission

Draft rules are placed on the monthly agenda for consideration by the Commission. At a Commission meeting, the Commission votes on whether or not to formally propose the rules by publication in the Illinois Register. The Commission may make any desired changes in the draft rules, direct staff to change the draft rules, or postpone the formal proposal of the rules.

Section 3200.130 Public Comments

All public or agency comments submitted on proposed Commission rules are presented to the Commission for consideration. Commission staff may recommend changes in the proposed rules based on comments received. All recommendations require Commission approval prior to being incorporated into a particular rule.

Section 3200.140 Special Hearing

The Commission may hold a special hearing for the purpose of receiving comments on any proposed rules and may appoint a member of the Commission staff or designee to serve as a hearing officer to conduct the hearing. Issues and comments presented at the hearing will be presented to the Commission for review. Commission staff may recommend changes in the proposed rules based on comments received.

Section 3200.150 Adoption

Following the expiration of the required 45 day notice period, the Commission shall place any proposed rules on its agenda for consideration of any recommended changes, public and agency comments, and whether or not to proceed with the formal rulemaking process. Adoption of rules is by vote of the Commission, conclusion of the Joint Committee on Administrative Rules process and filing of the rules with the Secretary of State.

SUBPART B: ORGANIZATION

Section 3200.200 Composition of the Commission

The Commission is an advisory commission, to be known as the Illinois Building Commission. The Commission shall consist of 11 members, including: a fire official, a building official, an architect, a professional engineer, a structural engineer, a commercial contractor representative, a residential construction industry representative, a mechanical and specialty contractor representative, a labor representative, a disability advocate, and a member of

ILLINOIS BUILDING COMMISSION
NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE B: MISCELLANEOUS STATE AGENCIES
CHAPTER LXII: ILLINOIS BUILDING COMMISSION

PART 3200

RULEMAKING AND ORGANIZATION

SUBPART A: RULEMAKING

Section
3200.100
3200.110
3200.120
3200.130
3200.140
3200.150

Adoption and Filing
Development of Rules
Consideration by the Commission
Public Comments
Special Hearing
Adoption

SUBPART B: ORGANIZATION

Section
3200.200
3200.210
3200.220
3200.230
3200.240
3200.250
3200.260
3200.270
3200.280
3200.290
3200.300

Composition of the Commission
Length of Terms
Executive Committee
Reimbursement
Subcommittees
Dispute Resolution
Appointment of the Executive Director
Duties of Staff
Organization
Personnel Chart
Availability

APPENDIX A Organizational Chart

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100] and the Illinois Building Commission Act [20 ILCS 3918].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: RULEMAKING

Section 3700.100 Adoption and Filing

The Illinois Building Commission (Commission) will follow the rulemaking procedure established by the Illinois Administrative Procedure Act [5 ILCS 100] in the adoption and filing of its rules.

ILLINOIS BUILDING COMMISSION
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Section 3200.260 Appointment of the Executive Director

The Executive Director serves as the director of the Commission staff and is responsible for the employment and setting of the compensation of the necessary professional, technical and secretarial staff as directed by the Commission.

Section 3200.270 Duties of Staff

The duties and organization of the staff of the Commission are established by the Executive Director as directed by the Commission.

Section 3200.280 Organization

The Commission staff in conjunction with the Executive Director function as a single unit under the direction of the Commission.

Section 3200.290 Personnel Chart

The specific personnel positions authorized by the Commission and their organization and supervisory relationships are presented in the Personnel Organization Chart shown in Appendix A.

Section 3200.300 Availability

A description of the specific responsibilities and duties of each of the personnel positions of the Commission staff is maintained in the Office of the Commission and is available for public inspection.

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NOTICE OF PROPOSED RULES

the public. The Commission shall be appointed by the Governor, with the advice and consent of the Senate. [20 ILCS 3918/10]

Section 3200.210 Length of Terms

The fire official, architect, structural engineer, commercial contractor representative, labor representative, and member of the public shall serve initial terms of 2 years. The building official, professional engineer, residential construction industry representative, mechanical and specialty contractor representative, and disability advocate shall serve initial terms of 3 years. Each subsequent term shall be for 3 years. Members may be appointed for more than one term. A chairman of the Commission shall be elected each year by the members of the Commission. [20 ILCS 3918/15]

Section 3200.220 Executive Committee

The Executive Committee of the Commission consisting of the Chairman, Vice-Chairman and Secretary shall specify the duties and responsibilities of all subcommittees and administrative functions of the Commission.

Section 3200.230 Reimbursement

Reimbursement for all Commission activity shall be in accordance with the requirements of the Governor's Travel Control Board in accordance with the State Finance Act [30 ILCS 105]. Commission members shall be reimbursed for travel expenses and shall receive a per diem for each day that the Commission or a subcommittee on which the member serves meets. [20 ILCS 3918/15]

Section 3200.240 Subcommittees

The Commission shall create and appoint members and non-members to the following subcommittees: the planning subcommittee, the building and fire protection subcommittee, the building envelope subcommittee, the structural systems subcommittee, the building services subcommittee, and the accessibility subcommittee. There shall be at least 5 members but not more than 9 members on each subcommittee. The subcommittees shall advise the Commission on any item before the Commission that deals with the area of expertise of the subcommittee. The Commission may create any other subcommittee that it deems necessary. [20 ILCS 3918/20]

Section 3200.250 Dispute Resolution

The Commission shall provide an ongoing forum for continuing dialogue regarding the purpose and duties of the Commission. The Commission shall also serve as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements. [20 ILCS 3918/25]

ILLINOIS BUILDING COMMISSION

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Section 3200.APPENDIX A Organizational Chart

Commissioners

Executive Director

Administrative Support
Division

Legislative/Regulatory Review
Division

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Administration of Funds Created by the Wireless Emergency Telephone Safety Act

- 2) Code Citation: 83 Ill. Adm. Code 1000

- 3) Section Numbers:

1000.100 New

1000.110 New

1000.120 New

1000.200 New

1000.210 New

1000.300 New

1000.310 New

1000.320 New

1000.330 New

1000.400 New

1000.410 New

1000.420 New

1000.500 New

1000.510 New

1000.520 New

1000.530 New

1000.600 New

1000.610 New

1000.700 New

1000.710 New

1000.720 New

1000.730 New

1000.740 New

1000.750 New

1000.760 New

1000.770 New

APPENDIX A New

APPENDIX B New

APPENDIX C New

- 4) Statutory Authority: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

- 5) A. Complete Description of the Subjects and Issues Involved: The proposed rules following this notice were prepared by the agency to implement its responsibilities under the Wireless Emergency Telephone Safety Act (the "Act"). Under the Act, Wireless Carriers are required to collect certain surcharges set by the Wireless Enhanced 9-1-1 Board and then remit the surcharges, along with certain geographic subscriber information, to the State of Illinois. The surcharges are deposited into certain funds and then used (a) to reimburse Wireless Carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1

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service mandates, (b) to make grants to Emergency Telephone System Boards, Qualified Governmental Entities and the Department of State Police and (c) to pay administrative costs. These rules set forth procedures for remitting surcharges and subscriber information and the manner in which the agency will administer the funds.

6) Will this rulemaking replace any emergency rulemaking currently in effect?

No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.

11) Time, place and manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses constituting Wireless Carriers and small municipalities constituting or operating Qualified Governmental Entities, Emergency Telephone System Boards or Wireless Public Safety Answering Points.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting and record keeping.

C) Types of professional skills necessary for compliance: Accounting, managerial, data processing and technical.

The agency is particularly interested in receiving comments from small businesses, small municipalities and not-for-profit entities. Small businesses, small municipalities and not-for-profit entities are encouraged to submit comments.

Affected small businesses, small municipalities and not-for-profit

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entities are also invited to discuss the proposed rules with the agency's 911 Administrator, Ron Gurgens, by phone at 217-558-2590.

13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: The agency was not aware of the need for the rules until after enactment of the Wireless Emergency Telephone Safety Act.

The full text of the Proposed Rules begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES

CHAPTER II: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1000
ADMINISTRATION OF FUNDS CREATED BY
THE WIRELESS EMERGENCY TELEPHONE SAFETY ACT

SUBPART A: GENERAL PROVISIONS

Section
1000.100 Scope
1000.110 Definitions
1000.120 Duties of DCMS

SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section
1000.200 Eligibility of Providers
1000.210 Eligibility of Carriers

SUBPART C: GENERAL ADMINISTRATION

Section
1000.300 Transmission of Subscriber Information
1000.310 Transmission of Surcharge Moneys
1000.320 Allocation of Surcharges
1000.330 Administrative Costs

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section
1000.400 Distribution of Moneys
1000.410 Grants for Subscribers in Overlapping Jurisdictions
1000.420 Overpayments and Underpayments

SUBPART E: ADMINISTRATION OF THE WIRELESS CARRIER REIMBURSEMENT FUND

Section
1000.500 Permitted Reimbursements
1000.510 Reimbursement for Approved Expenditures
1000.520 Priority of Distributions
1000.530 Overpayments and Underpayments

SUBPART F: DISPUTES AND PROTESTS

Section
1000.600 Resolution of Disputes
1000.610 Protests

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SUBPART G: MISCELLANEOUS

Section
1000.700 Use of Grants and Reimbursements
1000.710 Distributions Subject to Appropriation
1000.720 Records
1000.730 Physical Inspections
1000.740 Confidentiality and Public Disclosure
1000.750 Indemnification
1000.760 Reliance on Communications
1000.770 Contacting DCMS

Appendix A Form of Carrier Subscriber Information Transmittal
Appendix B Format of Carrier Remittance Transmittal
Appendix C Form of Sworn Statement

AUTHORITY: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

(Source: Adopted at 24 Ill. Reg. _____, effective _____)

SUBPART A: GENERAL PROVISIONS

Section 1000.100 Scope

This Part shall apply to all Wireless Carriers, Emergency Telephone System Boards, Qualified Governmental Entities and Wireless Public Safety Answering Points.

Section 1000.110 Definitions

For purposes of this Part:

"Act" shall mean the Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Administrative Costs" shall mean the ordinary and extraordinary fees, costs and expenses incurred by DCMS in performing its duties and responsibilities under the Act and this Part, including legal and other professional and consulting fees and expenses.

"Carrier" shall mean a Wireless Carrier.

"Communications Revolving Fund" shall mean that certain fund designated as a special fund in 30 ILCS 105/5.12.

"DCMS" shall mean the Illinois Department of Central Management

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Services.

"DSP" shall mean the Illinois Department of State Police.

"FCC" shall mean the Federal Communications Commission.

"Funds" shall mean the WSEF and the WCRF.

"Grant" shall mean a distribution from the WSEF to a Provider pursuant to Sections 20 and 25 of the Act.

"ICC" shall mean the Illinois Commerce Commission.

"Provider" shall mean an Emergency Telephone System Board or Qualified Governmental Entity. DSP shall be considered a Provider to the extent that it is acting as a Wireless Public Safety Answering Point.

"Reimbursement" shall mean a distribution from the WCRF to a Carrier for the purpose of reimbursing that Carrier for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates pursuant to Sections 30 and 35 of the Act.

"Subscriber" shall mean a Wireless Subscriber.

"WCRF" shall mean the Wireless Carrier Reimbursement Fund.

"WSEF" shall mean the Wireless Services Emergency Fund.

All other capitalized terms not defined herein shall have the meaning ascribed to them in the Act.

Section 1000.120 Duties of DCMS

DCMS shall have the following duties and responsibilities under the Act:

- a) To adopt administrative rules governing Grants and Reimbursements;
- b) To develop and maintain a database of Providers eligible to receive Grants and Carriers eligible to receive Reimbursements;
- c) To the extent authorized by the State Treasurer, to collect and allocate surcharges remitted by Carriers into the Funds;
- d) To make monthly Grants to eligible Providers;
- e) To review and process properly presented Carrier requests for Reimbursement in accordance with the Act;
- f) To account for all surcharges collected and moneys disbursed;
- g) To maintain auditable records of receipts, Grants and Reimbursements and provide an annual accounting of the Funds to the Auditor General as required by the Act; and
- h) To resolve disputes as required by the Act.

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SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section 1000.200 Eligibility of Providers

To be eligible to receive a Grant, a Provider (other than DSP) must make a written request on its letterhead to DCMS stating that it desires to receive Grants from the WSEF. The request must be accompanied by:

- a) a copy of its declaration of intention to serve as a Primary Wireless 9-1-1 Public Safety Answering Point filed with the ICC and DSP;
- b) a copy of its plan (with all exhibits and schedules) filed with the ICC to obtain authority to handle 9-1-1 wireless calls (and all amendments and modifications to the plan), unless the plan has been provided directly to DCMS by the ICC;
- c) a detailed explanation of the geographic area the ICC has granted it authority to cover, by five digit zip code. The explanation must include:
 - 1) all zip codes in which the Provider has sole authority from the ICC to handle wireless 9-1-1 calls; and
 - 2) all zip codes in which the Provider has shared authority from ICC to handle wireless 9-1-1 calls (in this instance the Provider may also define its geographic coverage area by nine digit zip code);
- d) a list of all other Providers, by zip code, also providing coverage in the geographic area the ICC has granted it authority to cover (or, if none are known, a statement to that effect);
- e) copies of all documentation evidencing agreement with other Providers governing the manner in which Grants relating to Subscribers in overlapping geographic areas (defined by zip code) should be made (or, if no such agreements exist, a written statement to that effect); and
- f) a certified copy of the letter from the ICC granting it authority to handle 9-1-1 calls (and all additional letters granting authority to amend or modify the initial plan). Each Provider shall be under a continuing duty to notify DCMS in writing of any changes to information submitted under this Section 1000.200. DCMS may also receive approved wireless 9-1-1 documentation directly from the ICC.

Providers must abide by all other applicable rules established by the ICC in relation to the Act to receive Grants. DSP shall be considered certified and eligible to receive Grants without complying with this Section.

Section 1000.210 Eligibility of Carriers

To be eligible to receive a Reimbursement, a Carrier must:

- a) be certified by the FCC as a wireless carrier (or reseller) operating in the State of Illinois;
- b) have provided current Subscriber information to DCMS as required by the Act and in Section 1000.300 of this Part; and
- c) comply with all provisions of this Part pertaining to requests for Reimbursement.

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SUBPART C: GENERAL ADMINISTRATION

Section 1000.300 Transmission of Subscriber Information

With the first transmittal of surcharges collected under the Act, and at the end of each billing month thereafter (within 10 days after the end of the Carrier monthly billing period), each Carrier shall submit to DCMS its updated total number of Subscribers per zip code (9 digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A of this Part, and shall be on diskette, CD, cartridge or as a file attached to an e-mail. The file must be in text format and be accompanied by a transmittal document or a proper label listing the Carrier name, Federal Employer Identification Number, billing month, and the total Subscriber record count included on the submission. Transmittals shall be mailed to:

Wireless 911 Section
DCMS Division of Telecommunications
201 West Adams
Springfield, Illinois 62704-1874

Section 1000.310 Transmission of Surcharge Moneys

- a) Surcharge moneys collected under the Act shall be remitted by check on a monthly basis. Each remittance check must display the remitting Carrier's name and Federal Employer Identification Number and a unique Carrier check number on the face. The payee shall be designated as "State of Illinois, WETSA Funds".
- b) Each remittance of fees under this Section must be accompanied by a transmittal to DCMS, with the information specified by DCMS, in substantially the form set forth in Appendix B of this Part.
- c) The checks and remittance transmittal shall be mailed to:

DCMS Office of Accounting
510 Stratton Building
Springfield, Illinois 62706-4100

Section 1000.320 Allocation of Surcharges

Of the surcharges remitted under this Subpart, 1/3 shall be deposited into the WCRF and 2/3 shall be deposited into the WSEF.

Section 1000.330 Administrative Costs

- a) Administrative Costs shall be chargeable to the Funds.
- b) Administrative Costs shall be billed proportionally to the WCRF and the WSEF on a monthly basis. The fees so established and charged shall be adjusted periodically based on actual costs, and reconciled

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at least annually.

- c) The Administrative Costs so charged and received shall be deposited into the Communications Revolving Fund.

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section 1000.400 Distribution of Moneys

Subject to appropriation, moneys in the WSEF may be used only for Grants to Providers and to pay Administrative Costs.

- a) Except as provided in this Section, DCMS, subject to appropriation, will make monthly proportional Grants to each Provider eligible to receive a Grant under Section 1000.200 of this Part based on the number of monthly Subscribers in the geographic area (defined by zip code) in which the Provider is certified as a wireless 9-1-1 service provider by the ICC.
- b) All surcharge moneys allocated to the WSEF in a given month shall be distributed to the appropriate Providers, except as reduced in subsections (d) and (e) below.
- c) Funds allocated to the WSEF for geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of a Provider shall be allocated to DSP.
- d) Funds allocated to the WSEF for geographic areas that are contested between Providers will be held in escrow until proper determination has been made by DCMS as provided in Section 1000.600 of this Part.
- e) The Communications Revolving Fund shall invoice the WSEF for Administrative Costs on a monthly basis.

Section 1000.410 Grants for Subscribers in Overlapping Jurisdictions

Providers sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which Grants in the shared areas should be made. Providers in shared geographic areas that do not enter into agreements must be prepared, upon 60 days' notice, to submit documentation to DCMS outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 1000.600 of this Part.

Section 1000.420 Overpayments and Underpayments

In the event of an underpayment or overpayment of Grant funds, DCMS shall, at least annually, take one or more of the following corrective actions:

- a) Instruct an overpaid Provider to redirect funds to the proper (underpaid) Provider in applicable instances (in which case each affected Provider must furnish proof to DCMS that the redirection of funds has been completed as instructed); or
- b) Offset one or more future Grant payments to an overpaid Provider; or
- c) Increase one or more future Grant payments to an underpaid Provider;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- or
- d) Release a Grant payment to an underpaid Provider on an interim basis during the month.

SUBPART E: ADMINISTRATION OF THE WIRELESS CARRIER REIMBURSEMENT FUND

Section 1000.500 Permitted Reimbursements

Moneys in the WCRF may be used, subject to appropriation, only to reimburse Carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates and to pay Administrative Costs. In no event shall any sworn invoice submitted to DCMS for reimbursement be approved for:

- a) Costs not related to compliance with FCC Wireless Enhanced 9-1-1 mandates.
- b) Costs with respect to any Wireless Enhanced 9-1-1 service that is not operable at the time the invoice is submitted.
- c) Costs of providing Wireless Enhanced 9-1-1 services in an area when a unit of local government or Emergency Telephone System Board provides wireless 9-1-1 services in that area and was imposing and collecting a Wireless Carrier surcharge prior to July 1, 1998.
- d) An amount in excess of 100% of an individual Carrier's cumulative remittances to the WCRF, net Administrative Costs and prior Reimbursements.

Section 1000.510 Reimbursement for Approved Expenditures

- a) Subject to the conditions in Section 1000.500, invoices properly submitted to DCMS shall be reviewed and either:
 - 1) Approved in whole or in part; or
 - 2) Denied in whole or in part.
- b) Sworn invoices must contain a sufficiently detailed description of the goods/services for which Reimbursement is sought for DCMS to be able to validate the claim for Reimbursement. Sworn invoices submitted with insufficient detail shall be returned to the Carrier for resubmission with additional documentation necessary for DCMS to validate the claim.
- c) Carriers seeking Reimbursement shall submit a sworn statement along with each submission of invoices verifying that the charges are reimbursable under the Act and this Part. The sworn statement shall be submitted in substantially the form of the affidavit set forth in Appendix C of this Part. Carriers must submit requests for Reimbursement on Carrier letterhead, along with the documentation set forth above and in Appendix C of this Part, to the following address:

Wireless 911 Section
DCMS Division of Telecommunications
201 West Adams

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Springfield, Illinois 62704-1874

Section 1000.520 Priority of Distributions

If insufficient funds exist in the WCRF to satisfy all outstanding claims against the WCRF, all moneys in the WCRF shall be distributed as follows:

- a) First, to reimburse the Communications Revolving Fund for outstanding Administrative Costs incurred by DCMS chargeable against the WCRF; and
- b) Second, to make outstanding Reimbursements on a pro-rata basis, including both current Reimbursements and Reimbursements due from prior months.

Section 1000.530 Overpayments and Underpayments

- a) In the event that DCMS determines that an overpayment to a Carrier has been made, it shall immediately notify the Carrier, and shall:
 - 1) direct the Carrier to immediately reimburse the overpayment to the State; or
 - 2) offset a subsequent Reimbursement in an amount equal to the overpayment.

- b) In the event that DCMS determines that an underpayment to a Carrier has been made, it shall process a voucher corresponding to the underpaid amount, subject to fund availability.

SUBPART F: DISPUTES AND PROTESTS

Section 1000.600 Resolution of Disputes

- a) In the event that DCMS is notified of an area of overlapping 9-1-1 service jurisdiction where the Providers in that geographic area have not agreed to the manner in which such disputes in that area will be apportioned, the Grants for that area shall be based on reference to an official Master Street Address Guide to the Emergency Telephone System Board or Qualified Governmental Entity whose Public Safety Answering Points provide wireless 9-1-1 service in that area. The Provider claiming the overlapping jurisdiction shall be responsible for providing DCMS with a valid copy of the appropriate Master Street Address Guide. In the event no Master Street Address Guide is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, DCMS shall resolve the dispute based on available information, including consultation with the ICC if deemed appropriate by DCMS. Any funds allocated to the WSF for the geographic region in question shall be held in escrow until a resolution is reached.
- b) In the event of a Subscriber billing address being matched to an incorrect jurisdiction by DCMS, the recipient, upon notification from DCMS, shall redistribute the amount in question in the manner directed by DCMS, based on the procedures in Section 1000.410 of this Part.

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- c) In the event of a dispute between Providers concerning a Subscriber billing address, DCMS shall resolve the dispute using reasonable means.
- d) Any other disputes arising with respect to DCMS' duties or responsibilities under the Act or this Part shall be resolved by DCMS.

Section 1000.610 Protections

- a) A Provider or Carrier aggrieved in connection with any action taken by DCMS under this Part may file a protest.
- b) Protections shall be made in writing to the Director of DCMS and shall be filed within 14 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Office of the Director of DCMS. Protections filed after the 14-calendar day period shall not be considered. To expedite handling of protests, the envelope should be labeled "wireless 9-1-1 Funds Protest". The written protest shall include as a minimum the following:
- 1) the name and address of the protester;
 - 2) a statement of reasons for the protest; and
 - 3) supporting exhibits, evidence, or documents necessary to substantiate the protest.
- c) Protections shall be sent to:

Director
Illinois Department of Central Management Services
718 Stratton Building
Springfield, Illinois 62706-4100

- d) Any additional information requested by DCMS shall be submitted within the time periods established in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by DCMS may result in resolution of the protest without consideration of that information.

SUBPART G: MISCELLANEOUS

Section 1000.700 Use of Grants and Reimbursements

Grants and Reimbursements may be used only for the purposes set forth in the Act.

Section 1000.710 Distributions Subject to Appropriation

- a) Notwithstanding any other provision of this Part, Grants shall be payable solely from funds appropriated by the General Assembly to the WSEF for the purpose of making Grants. Obligations of DCMS and the State of Illinois to make Grants shall cease immediately and without

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- liability if at any time the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make Grants.
- b) Notwithstanding any other provision of this Part, Reimbursements shall be payable solely from funds appropriated by the General Assembly to the WCRF for the purpose of making Reimbursements. Obligations of DCMS and the State of Illinois to make Reimbursements shall cease immediately and without liability if at any time the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make Reimbursements.
- c) DCMS shall notify eligible Providers and Carriers of any applicable lack of appropriations as soon as is practicable.

Section 1000.720 Records

- a) DCMS shall maintain detailed records of receipts and distributions and provide an annual accounting of the Funds to the Auditor General as required by the Act.
- b) Providers shall maintain books and records related to Grants received and use of the Grant funds in accordance with applicable law and generally accepted accounting principles. Providers shall maintain these books and records for a minimum of 5 years. All books and records shall be available for review or audit by DCMS, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Providers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a Provider, DCMS shall adjust future or final payments otherwise due. If no payments are due and owed to a Provider, or if the overpayment exceeds the amount otherwise due, the Provider shall immediately refund all amounts that may be due to the WSEF.
- c) Carriers shall maintain detailed books and records related to surcharges billed and collected by geographic area, and records necessary to support requested Reimbursements in accordance with applicable law and generally accepted accounting principles. Carriers shall maintain these books and records for a minimum of 5 years. All books and records shall be available for review or audit by DCMS, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Carriers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a Carrier, or subcontractor, DCMS shall adjust future or final payments otherwise due. If no payments are due and owed to a Carrier, or if the overpayment exceeds the amount otherwise due, the Carrier shall immediately refund all amounts that may be due to the WCRF.

Section 1000.730 Physical Inspections

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With respect to any request for Reimbursement, DCMS may perform an on-site physical inspection of the requesting Carrier's facilities for the purpose of verifying that the request is reimbursable under the Act and this Part. Carriers shall cooperate and provide reasonable assistance requested by DCMS in the performance of any such physical inspection.

Wireless 911 Section
DCMS Division of Telecommunications
201 West Adams
Springfield, Illinois 62704-1874

Section 1000.740 Confidentiality and Public Disclosure

Because of the highly competitive nature of the wireless telephone industry, a public disclosure of information about surcharge moneys paid by Wireless Carriers could have the effect of stifling competition to the detriment of the public and the delivery of wireless 9-1-1 services. Therefore, the Department of Central Management Services, the Department of State Police, governmental agencies, and individuals with access to that information shall take appropriate steps to prevent public disclosure of this information. Information and data supporting the amount and distribution of surcharge moneys collected and remitted by an individual Wireless Carrier shall be deemed exempt information for purposes of the Freedom of Information Act and shall not be publicly disclosed. The gross amount paid by all Carriers shall not be deemed exempt and may be publicly disclosed. [50 ILCS 751/40]

Section 1000.750 Indemnification

Except as explicitly set forth in the Act, and except as explicitly prohibited by law, each Provider requesting Grants and each Carrier shall indemnify and hold the State of Illinois, including DCMS, and its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and expenses incident thereto, that may arise by reason of the functions or services provided by DCMS under the Act and this Part. In the event of any demand or claim against DCMS, DCMS will notify the responsible Carrier or Provider in writing. DCMS may elect to defend any demand or claim and will be entitled to be paid by the Provider or Carrier for all damages, costs and attorney's fees incurred.

Section 1000.760 Reliance on Communications

DCMS may act or proceed in good faith upon any communication, whether in paper or electronic form, that it in good faith believes to be genuine and to have been submitted or issued pursuant to any of the provisions of the Act or this Part. DCMS shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such communication, but may accept and rely upon the communication as conclusive evidence of the truth and accuracy of the statements.

Section 1000.770 Contacting DCMS

Questions relating to the content or administration of this Part shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

APPENDIX A Form of Carrier Subscriber Information Transmittal

MONTHLY SUBSCRIBER COUNT FILE

Storage Media: Diskette

RECORD FILE LAYOUT:

FIELD NAME	STARTING POSITION	LENGTH	TYPE
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (yy-mm)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

APPENDIX B Format of Carrier Remittance Transmittal

CARRIER REMITTANCE OF WIRELESS E9-1-1 FUNDS

CARRIER NAME _____
CARRIER FEIN # _____
CARRIER ADDRESS _____
CITY/ST/ZIP _____
CONTACT NAME _____
CONTACT PHONE # _____
REMITTANCE MONTH _____
REMITTANCE AMT \$ _____
CHECK NUMBER _____
CHECK DATE _____

REMITTANCE MONTHLY BREAKDOWN:

MO/YR Billed	Amount Remitted
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____

TOTAL REMITTED \$ _____ *

*Must agree with Remittance Amount listed at top of form

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

APPENDIX C Form of Sworn Statement

STATE OF ILLINOIS)
COUNTY OF _____) SS.
AFFIDAVIT

The undersigned, being first duly sworn under oath, deposes and says, under penalties of perjury:

1. I am the [legal name of Carrier] [title of official making Affidavit] of [insert other business form, if applicable] created and existing under the laws of the State of _____, and am duly authorized to make this Affidavit on behalf of the Carrier.
2. This Affidavit is made for the purpose of requesting Reimbursement from the Wireless Carrier Reimbursement Fund in the amount of \$_____ [amount of reimbursement requested] pursuant to Section 35 of the Illinois Wireless Emergency Telephone Safety Act (the "Act").
3. The amount requested is reimbursable under the Act.
4. Attached hereto as Exhibit A is a list of the goods or services for which reimbursement under this Affidavit is sought.
5. Attached hereto as Exhibit B are copies of invoices supporting the Reimbursement requested.
6. All of the Reimbursement requested represents costs incurred by the Carrier in complying with Federal Communications Commission Wireless Enhanced 9-1-1 mandates ("FCC Mandates").
7. Attached hereto as Exhibit C is an explanation of how the costs represented by the attached invoices relate to compliance with the FCC Mandates described therein.
8. I have read the Exhibits attached hereto and know them to be true and accurate.
9. All Reimbursement requested hereunder represents costs that are related to compliance with the requirements established by the FCC Mandates.
10. The Reimbursement requested hereunder represents costs with respect to Wireless Enhanced 9-1-1 service that is operable and capable of transmitting Wireless Enhanced 9-1-1 data.
11. The following are the geographic areas, by zip code, receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.
12. To the best of my knowledge, the following are the Wireless Public Safety Answering Points (as defined by the Act), receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.
13. The Carrier is in compliance with the Act.

(Signature) _____

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

[Printed Name of Official]

SUBSCRIBED AND SWORN TO this _____ day of _____, 200____ before me, a Notary Public in and for the County and State aforesaid, by _____ [name of official making Affidavit], who is personally known to me to be the _____ [affiant's official title] of _____ [legal name of Carrier] who appeared before me this day and duly acknowledged to me execution of the foregoing Affidavit.

(Signature) _____
Notary Public
(Seal)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas

2) Code Citation: 41 Ill. Adm. Code 200

3) Section Numbers:
200.30
Proposed Action:
Amendment

4) Statutory Authority: Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Office is updating Part 200 to reference the most recently published edition of National Fire Protection Association Standard No. 54 "National Fuel Gas Code".

The current Section 200.30 references the 1996 edition of NFPA 54 - "National Fuel Gas Code". The NFPA has now published an updated, 1999 edition of NFPA 54.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes. The amendment updates the referenced edition of NFPA Standard No. 54 National Fuel Gas Code - 1999 edition.

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not expand a mandate upon local governments, small municipalities or non-profit organizations.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago IL 60601
(312)814-2693

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Comments received within 45 days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any business involved in the manufacturing, supply, or installation of products and equipment for liquefied petroleum gases that is addressed by the referenced standard.

B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the proposed rule amendments will be determined by inspections conducted by fire prevention inspectors of the Office of the State Fire Marshal. This is the current method of determining compliance. The proposed amendment contains no changes to the method of enforcement of the rules, but simply updates the referenced National Fire Protection Association standard that is applicable to such work.

C) Types of professional skills necessary for compliance: The amendments propose no change to the qualifications required to perform work on, or related to, gas appliances or gas piping.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The amendment is being proposed as the result of publication of an updated edition of a referenced standard by the National Fire Protection Association.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION

CHAPTER I: STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

Section	
200.5	Introduction
200.10	Storage and Handling of Liquefied Petroleum Gases
200.20	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30	Rules For Installation of Gas Appliances And Gas Piping
200.40	Storage and Handling of Liquefied Petroleum Gas
200.50	Installations Must Be In Compliance
200.60	Submittal Of Plans
200.60	Applications, Plans and Blueprints Must Be Filed in Triplicate -- What Applications and Drawings Must Show
200.70	Operation of Installation Prohibited Until Final Inspection and Approval
200.80	No Supplier Shall Service Any Installation Not In Compliance With Law
200.90	Personnel Must Be Properly Trained
200.100	No Self Service Permitted
200.110	Interstate Commerce Commission or Department of Transportation
200.120	Containers (Repealed)
200.160	Cylinder System Installations (Bottled Gas) (Repealed)
200.170	Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)
200.180	Location of Containers (Repealed)
200.190	Abandoned Tanks
200.200	Marking of Tank Trucks and Trailers (Repealed)
200.210	Lighting Requirements on Trucks and Trailers (Repealed)
200.220	Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)
200.230	When Tank Truck May Not Be Left Unattended (Repealed)
200.240	Tank Trucks and Tractors Must Be In Good Repair (Repealed)
200.250	Parking In Congested Areas Prohibited (Repealed)
200.260	Travel In Heavy Traffic Districts To Be Avoided (Repealed)
200.270	Gear Shift Requirements for Loaded Tank Trucks (Repealed)
200.280	Semi-Trailers Loading and Unloading (Repealed)
200.290	Fire Extinguisher Requirements (Repealed)
200.300	Excess Flow Valves Not To Be Tampered With (Repealed)
200.310	When Transportation and Sale Prohibited (Repealed)
200.320	Containers To Be Transported In Upright Position (Repealed)
200.330	Fireworks Prohibited
200.340	Additional Safety Measures Authorized
200.350	

AUTHORITY: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective August 1, 1995; amended at 21 Ill. Reg. 4999, effective April 15, 1997; amended at 23 Ill. Reg. 4227, effective April 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of gas appliances and gas piping as published in the 1992 1996 Edition of Standard NFPA No. 54 by the National Fire Protection Association (National Fuel Gas Code) are mandatory. Standards for fuel systems and equipment in recreational vehicles as published in the 1996 Edition of Standard NFPA No. 501C by the National Fire Protection Association (Recreational Vehicles) are mandatory.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Day Labor Services Act2) Code Citation: 56 Ill. Adm. Code 2603) Section Numbers: Proposed Action:
260.310 Amended4) Statutory Authority: Implementing and authorized by Section 45 of the Day Labor Services Act (820 ILCS 175/45).5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 260.310 to provide that administrative hearings under Part 690 will be conducted under the Department's proposed rules at 56 Ill. Adm. Code 120.6) Will this proposed amendment replace an emergency amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 16, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects any person or entity engaged in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the day labor service and the third party employer. Day labor does not include labor or employment of a professional or clerical nature.

B) Reporting, bookkeeping, or other procedures required by compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Department did not anticipate the need for this rulemaking.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

(Source: Amended at 24 Ill. Reg. _____, effective _____)

PART 260
DAY LABOR SERVICES ACT

SUBPART A: GENERAL PROVISIONS

Section
260.100 Definitions

SUBPART B: REGISTRATION PROCESS

Section
260.200 Registration
260.210 Content of Application to Register
260.220 Expiration and Renewal of Registration
260.230 Registration Fee

SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

Section
260.300 Suspension or Revocation
260.310 Hearings
260.320 Considerations in Reaching a Decision

AUTHORITY: Implementing and authorized by Section 45 of the Day Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901, effective April 17, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

Section 260.310 Hearings

- a) Before suspending or revoking a registration of a day labor service agency, the Department shall notify the person or entity in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than 14 days from the date of the mailing, at which time the day labor service agency shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and shall be convened pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120.60-1117.

Adm-Code-600-230.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Health and Safety

2) Code Citation: 56 Ill. Adm. Code 350

3) Section Numbers: Proposed Action:
350.195 Amend

4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

5) A. Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 350.195 to provide that administrative hearings under Part 350 will be conducted under 56 Ill. Adm. Code 120.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create nor expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 16, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all employers or other persons subject to the Act that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping, or other procedures required by compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Child Labor Law
- 2) Code Citation: 56 Ill. Adm. Code 250
- 3) Section Numbers: Proposed Action:
250.715 Amend
- 4) Statutory Authority: Implementing and authorized by the Child Labor Law [820 ILCS 205].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace the Department' rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 250.715 to provide that administrative hearings under Part 250 will be conducted under 56 Ill. Adm. Code 120.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 16, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all employers or other persons subject to the Act that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping, or other procedures required by compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 250

ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section	Definition of the Act
250.100	Definitions
250.105	Minor (Repealed)
250.110	Agriculture (Repealed)
250.115	Week (Repealed)
250.120	Work (Repealed)
250.125	Time Record (Repealed)
250.130	Premises (Repealed)
250.135	Suffer (Repealed)
250.140	Garage (Repealed)
250.145	Employer and All Interested Parties (Repealed)
250.150	

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section	Employers Subject to the Act
250.200	Minors Assisting Employees of Tax Supported School Lunch Programs
250.205	Movie Theaters
250.210	Car Wash
250.215	Employment in or about Airfields
250.220	Office and Ice Cream Dispensing Equipment
250.225	Enclosed, Self-sealing Automatic Dishwashers
250.230	Power Driven Machinery
250.235	Exhibition Park or Place of Amusement
250.240	Employment in Establishments Selling Package Liquors
250.245	Shopping Malls and Similar Structures Containing Two or More Buildings
250.250	Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
250.255	Employment of Minors as Models
250.260	Parent/Guardian Required Presence at Performance
250.265	Non-Resident Minor Seeking Employment
250.270	

SUBPART C: HOURS OF EMPLOYMENT

Section	Number of Days Employment Limit
250.300	

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Applying for a Section 8.1(b) Work Hours Waiver

Issuance of a Section 8.1(b) Work Hours Waiver

250.305	Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements
250.310	
250.315	

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section	Issuing Officers are responsible for:
250.400	

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section	The Employer shall:
250.500	

SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Section	Revocation of Employment Certificates; Civil Penalty Assessments
250.600	

SUBPART G: HEARING PROCESS

Section	Procedure and Time Table for Suspension or Revocation of Employment Certificates
250.700	
250.705	Procedure for Child Labor Penalty Assessment
250.710	Assessing Penalties
250.715	Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

SUBPART H: EMPLOYER VIOLATIONS

Section	Minimum Age
250.800	Hours of Work
250.805	Meal Period
250.810	Posting of Hours
250.815	Time Record
250.820	Hazardous Occupations
250.825	Minor Under Sixteen Appearing in Theatrical Productions
250.830	Employment Certificate Required
250.835	Duties of Employers
250.840	Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models
250.845	Parent/Guardian Not Present at Performance
250.850	Minors Under Sixteen Appearing in Television or Motion Picture Productions
250.855	

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all employers or other persons subject to the Act that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping, or other procedures required by compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 210

MINIMUM WAGE LAW

SUBPART A: GENERAL PROVISIONS

Section 210.100	Application of the Act
210.110	Definitions
210.120	The Use of Federal Definitions of Various Terms
210.130	Length of Coverage for an Employer
210.140	Uniforms
210.150	Forbidden Activity Covered by Other Laws
210.160	Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM WAGE ALLOWANCE
FOR GRATUITIES

Section 210.200	Meals and Lodging
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SUBPART C: SEX DISCRIMINATION

Section 210.300	Sex Discrimination
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SUBPART D: OVERTIME

Section 210.400	Determining Workweek for Overtime
210.410	Exclusions from the Regular Rate
210.420	Regular Rate of Pay for Determination of Overtime
210.430	Methods of Computing Overtime
210.440	Overtime-General

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY
AT A WAGE LESS THAN THE MINIMUM WAGE RATE

Section 210.500	Application for a License to Employ an Individual with a Disability at a Wage Less than the Minimum Wage Rate
210.510	Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

LESS THAN THE MINIMUM WAGE RATE

Section
210.600
210.610
210.620
210.630
210.640

General Provisions
Application to Employ a Learner
Employing More Than One Learner
Basic Learner Training Requirements
Student Learners in Work Study Programs

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

Section
210.700
210.710
210.720
210.730
210.740

Contents of Records
Identification of Learner or Individual with a Disability
Minimum Records of Gratuities
Records Kept Outside of the Business Premises
Notice to Employers - Copies of the Act and Rules and Regulations

SUBPART H: INSPECTION PROCEDURE

Section
210.800
210.810
210.820

Investigations
Investigation Procedures
Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS

Section
210.900
210.910

Request for Review by Employer Subject to an Inspection
Petition to Intervene by Employee or Former Employee Covered by an Inspection

210.920 Convening an Informal Investigative Conference
210.925 Continuances of Informal Investigative Conference
210.930 Application of the Rules of Evidence - Pleadings and Procedures in an Investigative Conference
210.940 Attorney and Witnesses in Investigative Conference
210.950 Contumacious Conduct in Investigative Conference
210.960 Telephone Conference
210.970 Request for Review

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section
210.1000
210.1010
210.1020

Assessment and Notice of Underpayment, Penalties, and Punitive Damages
Employer Conduct Deemed Willful
Uncontested Payment of Underpayments, Penalties, and Punitive

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NOTICE OF PROPOSED AMENDMENTS

Damages

210.1030 Exception to Notice of Underpayments, Penalties, and Punitive Damages
210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages
210.1050 Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by the Minimum Wage Law (820 ILCS 105).

SOURCE: Adopted at 19 Ill. Reg. 6576, effective May 2, 1995; amended at 20 Ill. Reg. 15312, effective November 15, 1996; amended at 24 Ill. Reg. _____, effective _____.

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section 210.1050 Final Determination of Penalties and Punitive Damages

If the Director finds no merit to a properly filed "Exception of Underpayment, Penalties, and Punitive Damages", or if no payment is forthcoming on either an uncontested or modified finding of underpayment, penalties, and punitive damages, a final determination on the amount of penalties and punitive damages shall be made in an administrative hearing pursuant to the provisions of the Illinois Administrative Procedure Act (5 ILCS 100) and 56 Ill. Adm. Code 120.68 §§1-Adm-Code-688-238.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Nurse Agency Licensing Act2) Code Citation: 68 Ill. Adm. Code 6903) Section Numbers:
690.190
Proposed Action:
Amend4) Statutory Authority: Implementing and authorized by the Nurse Agency Licensing Act [225 ILCS 510].5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 690.190 to provide that administrative hearings under Part 690 will be conducted under the Department's proposed rules at 56 Ill. Adm. Code 120.6) Will this proposed amendment replace an emergency amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 16, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

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NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all persons subject to the Act that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping, or other procedures required by compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER III: DEPARTMENT OF LABOR

PART 690

NURSE AGENCY LICENSING ACT

Section

- 690.10 Delegation of Authority
- 690.20 Definitions
- 690.30 Licensure
- 690.40 Contents of Application
- 690.50 Fee Schedule
- 690.60 Expiration and Renewal
- 690.70 Standards For Operation of an Agency
- 690.80 Application for Employment, Assignment, or Referral
- 690.90 Prerequisites for Employment, Assignment, or Referral
- 690.100 Evaluation Forms
- 690.120 Conditions of Employment, Assignment and Referral
- 690.130 Reporting Changes in Management and Stockholders
- 690.140 Transfer of Ownership
- 690.150 Inspections and Records
- 690.160 Complaints and Investigations
- 690.170 Denial of Initial License
- 690.180 Denial of Renewal or Revocation of License
- 690.190 Hearings
- 690.200 Considerations in Reaching a Decision
- 690.210 Fines
- 690.220 Subpoena
- 690.230 Determination
- 690.240 Administrative Review

AUTHORITY: Implementing and authorized by the Nurse Agency Licensing Act [225 ILCS 510].

SOURCE: Adopted at 14 Ill. Reg. 12516, effective July 23, 1990; amended at 24 Ill. Reg. _____, effective _____.

Section 690.190 Hearings

- a) Before denying any application or refusing to renew a license, revoking or suspending a license, or imposing a fine, the Department shall notify the applicant or licensee in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than ~~fourteen~~ 14 days from the date of such mailing, at which time the applicant or licensee shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and subject to the Departmental hearing rules at 56 Ill. Adm. Code 120 ~~†68-iii-Adm-~~

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Code-600-239†.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rules and Regulations Relating to the Operation of Private Employment Agencies

- 2) Code Citation: 68 Ill. Adm. Code 680

- 3) Section Numbers: Proposed Action:

680.100 Repeal
680.110 Repeal
680.120 Repeal
680.130 Repeal
680.140 Repeal
680.200 Amend
680.225 Amend
680.230 Repeal

- 4) Statutory Authority: Implementing and authorized by the Private Employment Agency Act [225 ILCS 515].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will: (a) repeal outdated references to the Illinois Human Rights Act and the Illinois Human Rights Commission; (b) update statutory citations; and (c) repeal the procedural rules for administrative hearings contained in Section 680.230. This is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120.

- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 16, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Private employment agencies that meet the definition of small business or not for profit corporation
- B) Reporting, bookkeeping, or other procedures required by compliance: Minimal
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER III: DEPARTMENT OF LABOR

PART 680

RULES AND REGULATIONS RELATING TO
THE OPERATION OF PRIVATE EMPLOYMENT AGENCIESSUBPART A: PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS SEEKING
REVOCATION OR SUSPENSION OF LICENSE OF A PRIVATE EMPLOYMENT AGENCY OR
EMPLOYMENT COUNSELOR REVOCATION-OR-SUSPENSION-OF-LICENSE-FOR
UNLAWFUL-DISCRIMINATION-AND-CIVIL-RIGHTS-VIOLATION-PRACTICES

Section 680.100 Provisions of the Act (Repealed)

680.110 Provisions of the Illinois Human Rights Act (Repealed)

680.120 Obtaining Copies (Repealed)

680.130 Additional Provisions of the Illinois Human Rights Act (Repealed)

680.140 Prohibition of Discrimination Practices (Repealed)

SUBPART B: PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS
SEEKING REVOCATION OR SUSPENSION OF LICENSE OF A
PRIVATE EMPLOYMENT AGENCY OR EMPLOYMENT COUNSELOR

Section 680.200 Provisions of the Act

680.210 Procedures in Connection with Initiation and Resolution of Complaints

680.215 Filing Complaint

680.220 Investigation of Complaint

680.225 Contested Case Resolution

680.230 Rules of Procedures in Administrative Hearings--Contested Cases (Repealed)

SUBPART Bg: STANDARDS OF PRACTICE FOR ADVERTISING BY
PRIVATE EMPLOYMENT AGENCIES AND EMPLOYMENT COUNSELORS

Section 680.300 Prohibition of False or Misleading Statements

680.310 Prohibition of Solicitation for Jobs Not on File

680.320 Maintenance of File

680.330 Advertisements and Notices

680.340 Indication of Employer Paying Placement Fees

680.350 Salary

680.360 Cancellation of Advertisements for Filled Positions

SUBPART CB: SOLICITING OF EMPLOYEES

Section 680.400 Soliciting of Employees

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SUBPART Dh: LETTER SERVICE

Section 680.500 Letter Writing Service

SUBPART Ef: TELEPHONES

Section 680.600 Employment Agency Telephone Numbers

SUBPART Fg: COPY OF CONTRACT TO APPLICANT

Section 680.700 Copy of Contract

SUBPART Gh: STANDARDS OF PRACTICE BY PRIVATE EMPLOYMENT AGENCIES
CONDUCTING A "DOMESTIC AGENCY"

Section 680.800 Definition of "Domestic Agency"

680.810 Applications for Domestic Services

680.820 Requirements of Licensee

680.830 Endorsement of Application

680.840 Verification of References

680.850 Executed Application Forms and Verifications of References

680.860 Referral Slips

680.870 Verification of Qualifications

680.880 Separate Records

680.890 Physical Examination Documentation

AUTHORITY: Implementing and authorized by the Private Employment Agency Act [225 ILCS 515].

SOURCE: Adopted October 22, 1963; amended March 15, 1967; amended January 3, 1977; amended at 3 Ill. Reg. 23, page 84, effective June 9, 1979; amended at 3 Ill. Reg. 34, page 190, effective August 24, 1979; emergency rule at 5 Ill. Reg. 14623, effective January 1, 1982, for a maximum of 150 days; amended and codified at 6 Ill. Reg. 5778, effective April 30, 1982; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS SEEKING
REVOCATION OR SUSPENSION OF LICENSE OF A PRIVATE EMPLOYMENT AGENCY OR
EMPLOYMENT COUNSELOR REVOCATION-OR-SUSPENSION-OF-LICENSE-FOR
UNLAWFUL-DISCRIMINATION-AND-CIVIL-RIGHTS-VIOLATION-PRACTICES

Section 680.100 Provisions of the Act (Repealed)

*An Act to revise the law in relation to private employment agencies and to

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

repeat an Act therein named; approved July 10, 1935, as amended (Ill. Rev. Stat. 1939, ch. 111, pars. 991 et seq.); hereafter referred to as the Act; provides in part:

- a) ".....failure to comply with the duties, terms, rules, conditions or provisions required by any law of this State governing employment agencies, or with any lawful order of the Department of Labor, shall be deemed cause to revoke or suspend such license. The Department of Labor shall have power, jurisdiction and authority to fix and order such reasonable rules and regulations for the conduct of business of employment agencies as may be necessary to carry out the laws relating to employment agencies;....."
- b) "In determining moral character and qualification for licensing, the Department may take into consideration any criminal conviction of the applicant; but such a conviction shall not operate as a bar to licensing."

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 680.110 Provisions of the Illinois Human Rights Act (Repealed)

The Illinois Human Rights Act (Ill. Rev. Stat. 1979, ch. 60, pars. 1-10) et seq. provides: "It is the public policy of this State:

- a) "to secure for all individuals within Illinois the freedom from discrimination because of race, color, religion, sex, national origin, necessary age, marital status, physical or mental handicap, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations;"
- b) "to promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State;"
- c) "to secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970;"
- d) "to establish equal opportunity and affirmative action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions, and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government, and in their relations with the public;"
- e) "to protect citizens of this State against unfounded charges of unlawful discrimination;"

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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Section 680.120 Obtaining Copies (Repealed)

Contact: Illinois Human Rights Commission
179 West Washington Street
Chicago, Illinois 60602
312-793-6368

for copies of the Illinois Human Rights Act, Rules and Regulations, and Guidelines on Discrimination in Employment Because of Sex.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 680.130 Additional Provisions of the Illinois Human Rights Act (Repealed)

The Illinois Human Rights Act provides in part:

- a) "It is a civil rights violation:-----for any employment agency to fail or refuse to classify properly, accept applications and register for employment, referral or apprenticeship referral, refer for employment or refer for apprenticeship on the basis of unlawful discrimination or to accept from any person a job order, request or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination a condition of referral;"
- b) "It is a civil rights violation for any employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested;"
- c) "It is a civil rights violation for a person or for two or more persons to conspire to:
- 1) Retaliate against a person because he or she has opposed, that which he or she reasonably and in good faith believes to be unlawful discrimination or has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act;
 - 2) Aid, abet, compel or coerce a person to commit unlawful discrimination;"
- d) "Nothing contained in this Act shall prohibit an employer, employment agency or labor organization from:
- 1) Hiring or selecting between persons for bona fide occupational qualifications or any reason except those civil rights violations specifically identified in this Article;"
 - 2) Giving or acting upon the results of any professionally developed ability test provided that such test, its administration, or action upon the results, is not used as a subterfuge for or does not have the effect of unlawful discrimination;"

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

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_____,

Section 680.140 Prohibition of Discrimination Practices (Repealed)

- a) The Director--of--labor--accordingly--prohibits--the--following--unlawful discrimination practices--by--any--private--employment--agency--and--the participant therein--by--an--employment--counselor:
- 1) Acceptance of orders from any employer wherein a specification is given as to race, color, religion, sex, age, national origin or ancestry;
- 2) Failure or refusal to accept any application for employment because of race, color, religion, sex, age, national origin or ancestry;
- 3) Reference in any manner whatsoever to race, color, religion, sex, age, national origin or ancestry on applications, job orders or other forms of record;
- 4) Failure or refusal to classify properly, refer for apprenticeship or accept applications for any apprenticeship or otherwise to discriminate against any individual because of his race, color, religion, sex, age, national origin or ancestry;
- 5) Retaliation against any applicant because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination or has made a charge, filed a complaint, testified, assisted or participated in an investigation proceeding or hearing in connection with such practice or practices;
- 6) For any employment agency to inquire on a written application whether a job applicant has ever been arrested is a civil rights violation;
- b) Violations of any provision of this part or the commission of any act or the failure to act with the intent to evade any of the prohibitions contained herein may be good cause for the revocation of the license of a private employment agency or employment counselor; or both;
- c) Notes--for--Guidelines--on--Discrimination--in--Employment--because--of--Sex and also on policy relating to arrest--contact the Illinois Human Rights Commission, 170 West Washington, Chicago, Illinois 60602, or Illinois Human Rights Commission, 100 North First Street, 5th Floor North Springfield, Illinois 62706.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART B-- PROCEDURE FOR INFRACTION AND RESOLUTION OF COMPLAINTS
 SEEKING REVOCATION OR SUSPENSION OF LICENSE OF A
 PRIVATE EMPLOYMENT AGENCY OR EMPLOYMENT COUNSELOR

Section 680.200 Provisions of the Act

DEPARTMENT OF LABOR

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Section 12 Paragraph 945 of the Act provides in part:

"The Director of Labor or his designated representative shall have the power and authority to conduct hearings in accordance with the Illinois Administrative Procedure Act as now or hereafter amended, upon complaint by an authorized officer of the Department of Labor or any interested person of a violation of the Act or the rules and regulations of the Department of Labor.
 . . . When it is shown to the satisfaction of the Director of Labor that any person is guilty of an immoral, fraudulent, or illegal conduct in connection with the conduct of the business, it shall be the duty of the Director of Labor to revoke or suspend the license of such person, but notice of such charges shall be presented and reasonable opportunity shall be given the licensee to defend himself in the manner and form heretofore provided in this Section of the Act. Whenever the Director of Labor shall issue an order after hearing as provided in this Section, refuse to issue, or revoke the license of any such employment agency or employment counselor, the determination shall be reviewable under and in accordance with the provisions of the Administrative Review Act. [735 ILCS 5/Art. III]"

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.225 Contested Case Resolution

Resolution of complaints seeking suspension or revocation of a private employment agency or employment counselor license will be pursued in accordance with Section 1-39 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 56 Ill. Adm. Code 120. (411r-Rev-Stat-1991-chr-127 par-1861-307)

"Contested case means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational, or similar proceedings, in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing."

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.230 Rules of Procedures in Administrative Hearings--Contested Cases (Repealed)

- a) Authority
 the rules in this subpart are enacted pursuant to the Illinois Administrative Procedure Act (411-Rev-Stat-1991-chr-127-par-1861-307(f)).
- b) Applicability

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NOTICE OF PROPOSED AMENDMENTS

- 3) this subpart shall apply to all administrative hearings conducted under the jurisdiction of the Director of Labor or the Department of Labor wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases shall apply or where provided by the rules and regulations of the Department of Labor except as provided in this Section;
- 2) Procedures for hearings under the Unemployment Insurance Act (Ill. Rev. Stat. 1999, ch. 45, pars. 360 et seq.) shall not be subject to this subpart but shall be subject to the Rules and Regulations for Administration of the Illinois Unemployment Insurance Act as on file with the Secretary of State on January 1, 1976;
- 3) Procedures for hearings by the Office of Collective Bargaining shall be subject to the rules and regulations of the Director of the Department of Personnel;
- e) Filing
 - 1) Documents and requests permitted or required to be filed with the Director of Labor or the Department of Labor in connection with a hearing shall be addressed and mailed or delivered to the Office of the Director, Attention: Administrative Hearings, Section 5th Floor, North Alzina Building, 100 North First Street, Springfield, Illinois 62767, in triplicate; the Office of the Director is open for filing and inspection and copying of public documents from 8:30 A.M. to 5:00 P.M., Monday through Friday except on National and State legal holidays;
 - 2) Form of Documents
 - 1) Documents shall clearly show the title of the proceedings in connection with which they are filed;
 - 2) Except as otherwise provided, three (3) copies of all documents including notices, motions, and petitions, shall be filed with the Director of Labor;
 - 3) Documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper; and
 - 4) One copy of each document filed shall be signed by the party or by his authorized representative.
 - 3) Computation of time
 - 1) Computation of any period of time prescribed by this Section shall begin with the first business day following the date of filing of the document with the Office of the Director of Labor and shall run until the end of the last day or the next following business day if the last day is a Saturday, Sunday, or legal holiday; Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received;
- f) Appearance
 - 1) Appearance of Parties: Any person entitled to participation in proceedings may appear as follows:
 - 1) this subpart shall apply to all administrative hearings conducted under the jurisdiction of the Director of Labor or the Department of Labor wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases shall apply or where provided by the rules and regulations of the Department of Labor except as provided in this Section;
 - 2) Procedures for hearings under the Unemployment Insurance Act (Ill. Rev. Stat. 1999, ch. 45, pars. 360 et seq.) shall not be subject to this subpart but shall be subject to the Rules and Regulations for Administration of the Illinois Unemployment Insurance Act as on file with the Secretary of State on January 1, 1976;
 - 3) Procedures for hearings by the Office of Collective Bargaining shall be subject to the rules and regulations of the Director of the Department of Personnel;

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- A) A natural person may appear on his own behalf or by a representative designated in writing;
- B) An association or other business, non-profit or government organization may appear by any bona fide officer, employee or representative designated in writing;
- 3) Appearance
 - 1) of --- designated --- representative --- A --- designated representative appearing on behalf of a party shall file a written notice of appearance with the Hearing Officer;
- g) Notice of Hearing
 - 1) Initiation: All hearings shall be initiated by the issuance by the Director of Labor upon written request or upon his own motion of a written Notice of Hearing which shall be served upon all known parties to the hearing;
 - 2) Service of the Notice of Hearing: Service shall be complete when the Notice of Hearing is served
 - A) in person or
 - B) deposited in the United States Mail, postage prepaid, addressed to the last known address of the person(s) partnership(s), association(s) or corporation(s) involved not less than fifteen (15) days before the day designated for the hearing; Such notice shall be served by registered or certified mail;
 - 3) Contents: A notice of hearing served under paragraph (g)(1) of this Section shall include:
 - A) the time, place and nature of the hearing;
 - B) the legal authority and jurisdiction under which the hearing is to be held;
 - C) a reference to the particular section of the statutes and rules involved;
 - D) a short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and
 - E) a designation of a hearing examiner to preside over the hearing and the address of the hearing examiner.
 - 4) Referral to hearing examiner: A copy of a notice of hearing served pursuant to paragraph (g)(1) of this Section shall be referred to the hearing examiner designated therein together with the original complaint, application or report and any written request for a hearing therein filed pursuant to this Part.
 - h) Manner of Service
 - 1) Service of any document upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party, the person serving the document shall certify to the manner and date of service in the following form:
 1. I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on

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NOTICE OF PROPOSED AMENDMENTS

-----, 19-----, addressed to the following at
the address shown:

Signature

Subscribed and sworn to
before me this ----- day
of -----, 19-----.

Notary Public

1) Motion and Answer

1) Any party receiving a Notice of Hearing may file a written answer not later than seven (7) days prior to the date of the hearing. All answers or motions preliminary to a hearing shall be presented to the office of the Director in accordance with Section 68B.230(c) of this Part at least seven (7) days prior to the date of the hearing. The failure to file an answer shall be deemed a general denial of matters asserted.

2) Unless made orally on the record during a hearing or unless the Hearing Examiner directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and when appropriate by a proposed order. At least two copies of all such motions shall be filed with the office of the Director and one copy with the Hearing Examiner, and at least one copy served on each additional party. If any to the hearing within seven (7) days after service of a written motion or such other period as the Hearing Examiner may prescribe, a party may file a response in support of or in opposition to the motion accompanied by affidavits or other evidence.

3) No oral argument will be heard on a motion unless the Hearing Examiner directs otherwise. A written brief may be filed with a motion or an answer to a motion stating the arguments and authorities relied upon.

4) A written motion will be disposed of by written order and on notice of all parties.

5) The Hearing Examiner shall rule upon all motions except that he shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.

6) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

7) A party may participate in the proceeding without forfeiting any

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jurisdictional objection, if such objection is raised at or before the time the party files his answer or motion or, if no answer or motion is made before the commencement of the hearing, consolidation and Severance of Matters-Additional Parties in the interest of convenient expeditious and complete determination of matters, the Hearing Examiner may consolidate or sever hearing proceedings involving any number of parties, and may order additional parties to be brought in:

k) Intervention

1) Upon timely written application, the Hearing Examiner may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing when:

A) the party is so situated that he may be adversely affected by a final order arising from the hearing; or

B) when a party's circumstances and the hearing proceeding have a question of law or fact in common.

2) Two copies of a petition for intervention shall be filed with the office of the Director and one copy shall be filed with the Hearing Examiner, and one copy served on each party, no later than 48 hours prior to the date set for hearing of the matters set forth in the Notice of Hearing. The Hearing Officer may permit later intervention when there is good cause shown for the delay.

3) An intervenor shall have all the rights of an original party except that the Hearing Examiner may, in his order allowing intervention, provide that the party shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay may require.

1) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Examiner upon his own motion or upon the motion of a party to the hearing, such motion of the party shall set forth facts attesting that the request for continuance is not for the purposes of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

m) Hearing Examiner Power and Duties

1) Powers: A hearing examiner designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:

A) to administer oaths and affirmations;

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NOTICE OF PROPOSED AMENDMENTS

- B) go rule upon offers of proof and receive relevant evidence?
- C) go exercise the power of the Director and issue subpoenas under any statute?
- B) go provide for discovery and to determine its scope?
- B) go regulate the course of the hearing and the conduct of the parties and their counsel therein?
- B) go consider and rule upon procedural requests?
- C) go hold conferences for the settlement or simplification of the issues?
- H) to examine witnesses and direct witnesses to testify--limit the number--of times--any witness may testify--limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify?
- I) go make or to cause to be made an inspection of the employment or place of employment involved and
- J) go make decisions in accordance with the appropriate Act and rules--this--subpart--and the Illinois Administrative Procedure Act?
- 2) Ex-Parte Consultations--Except in the disposition of matters which are authorized by law to be entertained or posed on an ex parte basis, no agency member or employee or hearing examiner shall--after notice of hearing pursuant to this part--communicate directly or indirectly in connection with any issue or fact with any person or party or in connection with any other issue with any party or his representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency and an agency member or hearing examiner may have the aid and advice of one or more personnel assistants.
- 3) Disqualification
- A) When a Hearing Examiner deems himself disqualified to preside over a particular hearing, he shall, without delay therefrom, by notice on the record direct to the Director of Labor.
- B) Any party who deems a Hearing Examiner for any reason to be disqualified to preside or to continue to preside over a particular hearing may file with the office of the Director a motion to disqualify and remove the Hearing Examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The office of the Director shall refer the motion to the Director of Labor who shall rule upon the motion.
- 4) Continuations--Conduct--Failure of or Refusal to Appear or Obey the Rulings of a Presiding Hearing Examiner
- A) Continuances--conduct at any hearing before the Hearing Examiner shall be grounds for exclusion from the hearing.
- B) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to

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- provide or permit discovery, the Hearing Examiner may make such orders with regard to the refusal as are just and appropriate including an order denying the application or record of a party or regulating the contents of the record of the hearing.
- 5) Referral to Illinois Supreme Court Rules--On any procedural question not regulated by this subpart, the appropriate Act and rules of the Illinois Administrative Procedure Act, a Hearing Examiner may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court rules.
- n) Pre-Hearing Conferences
- i) Convening a Conference--Upon his own motion or the motion of a party, the Hearing Examiner or Compliance Officer may direct the parties or their counsel to meet with him for a conference to consider:
- B) Simplification of the issues?
- B) Necessity or desirability of amendment to documents--for purposes of clarification, simplification or limitation?
- C) Stipulations--admissions--of fact--and of contents--and authenticity of documents.
- B) Limitation of the number of witnesses.
- B) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits and
- B) Such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion thereof.
- 2) Record of Conference--The Hearing Examiner shall make an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, and the agreements made between the parties as to any of the matters reconsidered and which limits the issues for hearings to those not disposed of by admissions or agreements and such other order when issued controls the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.
- o) Consent Findings and Rules or Orders
- i) General--At any time before the reception of evidence in any hearing or during any hearing a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance of such opportunity and the duration thereof shall be in the discretion of the presiding Hearing Examiner after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.
- 2) Contents--Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:
- A) That the rule or order shall have the same force and effect

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as-if-made-after-a-full-hearing.

B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement.

C) A waiver of any further procedural steps before the Hearing Examiner for the Director of Labor; and

D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

3) Submissions: On or before the expiration of the time granted for negotiations the parties or their counsel may:

A) Submit the proposed agreement to the presiding Hearing Examiner for his consideration; or

B) Inform the presiding Hearing Examiner that agreement cannot be reached.

4) Disposition: In the event that an agreement contains consent findings and rule or order is submitted in the time allowed therefore the presiding Hearing Examiner may accept such agreement by issuing his decision based upon the agreed findings.

E) Discovery

1) Depositions: For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the presiding hearing examiner and having power to administer oaths.

2) Application: Any party desiring to take the deposition of a witness may make application in writing to the presiding hearing examiner setting forth:

A) The reasons why such deposition should be taken;

B) The time when the place where and the name and post-office address of the person before whom the deposition is to be taken;

C) The name and address of each witness; and

D) The subject matter concerning which each witness is expected to testify.

3) Notice: Such notice as the presiding hearing examiner may order shall be given by the party taking the deposition to every other party.

4) Taking and receiving in evidence: Each witness testifying upon deposition shall be sworn, and the parties not calling him shall have the right to cross-examine him. The questions propounded and the answers thereto together with all objections made, shall be reduced to writing, read to the witness, subscribed by him and certified by the officer before whom the deposition is taken. Thereafter the officer shall seal the deposition with two copies thereof in an envelope and mail the same by registered mail to the presiding hearing examiner. Subject to such objections to the questions and answers as were noted at the time

of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.

5) Other Discovery: Whenever appropriate to a just disposition of any issue in a hearing, the presiding hearing examiner may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party or by entry for inspection of the employment or place of employment involved.

Hearings

1) Nature: All hearings shall be public unless required by statute to be otherwise.

2) Order of proceedings: The following shall be the order of proceeding of all hearings subject to modification by the presiding Hearing Examiner for good cause:

A) Presentation of argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;

B) Presentation of applicant's or complainant's opening statement;

C) Presentation of objector's or respondent's opening statement;

D) Objector's or respondent's case;

E) Applicant's or complainant's case in rebuttal;

F) Objector's or complainant's closing statement;

G) Applicant's or respondent's closing statement;

H) Presentation and argument of all motions prior to final order;

I) Presentation of written brief, if required or allowed by presiding hearing examiner; and

J) Piling of findings of fact and conclusions of law and recommendations of the hearing examiner.

3) Burden of proof: The party applicant or complainant shall have the burden of proof.

4) Default: Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Examiner shall constitute a default. The Hearing Examiner shall thereupon enter such findings, opinions and recommendations as are appropriate under the pleadings and such evidence as he shall receive into the record.

Evidence

5) Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence to submit material evidence and to conduct such cross-examination as

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may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding hearing examiner may exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed, however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a Hearing Examiner may allow evidence to be received in written form.

B) testimony of witnesses. The testimony of a witness shall be under oath or affirmation administered by the presiding Hearing Examiner.

C) Objections. If a party objects to the admission or rejection of any evidence or to the limitation to the scope of any examination or cross examination, or to the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing examiner shall admit such evidence subject to the right of the Hearing Examiner to strike such evidence from the record either during the hearing or as a part of his findings of fact and conclusions of law. If he should determine that it was improperly admitted in which case it shall not be considered in making findings of fact, conclusions of law and recommendations.

B) Exceptions. Formal exception to an adverse ruling is not required.

G) Official Notice. Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department of Labor's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or, otherwise, the material noticed, including any staff memoranda or data and they shall be afforded an opportunity to contest the facts so noticed. The agency's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

H) Hostile or Adverse Witnesses

A) If the Hearing Examiner determines that a witness is hostile or unwilling or adverse, he may be examined by the party calling him as if under cross examination.

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B) The party calling an occurrence witness upon the showing that he called the witness in good faith and is surprised by his testimony may impeach the witness by proof of prior inconsistent statements.

B) transcript:

A) Oral proceedings or any part thereof shall be recorded by a certified court reporter or by a mechanical recording device. Such records shall be transcribed either:

1) Upon written application filed with the reporter or Hearing Examiner by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the Director of Labor or

2) Upon receipt of a summons in Administrative Review or order of court with payment of fees when allowed or required by statute.

B) Any recording or transcription will be retained through and including the time allotted for appeal, revision, rehearing or other manner of review prior to final disposition as provided for by the Director of Labor or by law.

9) Official Record. The official record of all hearings pursuant to this part shall consist of:

A) All pleadings including all notices and responses thereto;
B) Evidence received;
C) A statement of matters officially noticed;

D) Offers of proof of objections and rulings thereon;

E) Proposed findings and acceptance;

F) Any decision, opinion or report of the hearing examiner;

G) All staff memoranda or data submitted to the Hearing Examiner or members of the agency in connection with their consideration of the case; and

H) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987 Ch. 137, par. 1010-60) but such communications shall not form the basis for any finding of fact.

10) Briefs. The Hearing Examiner may require or allow parties to file briefs after the close of the hearing or such other reasonable time as the Hearing Examiner shall determine consistent with the Director's responsibility for expeditious decision.

F) Hearing Examiner's Findings and Opinions. The Hearing Examiner's findings and opinions shall be in writing and shall include findings of fact and conclusions of law or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties including matters officially noticed. Findings of fact if set forth in statutory language shall be

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accompanied by a statement of the underlying supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

s) Hearing Examiner's Decision

Where authorized by statute or rule to act as the personal representative of the Director of Labor, the Hearing Examiner shall, in addition to the findings and opinions required by Section 680.230(f), render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence. The decision in the case will be the decision for and of the Director of Labor and shall become effective immediately upon the execution of the order by the Hearing Examiner or as otherwise specified within the order or an applicable statute. The parties shall be immediately notified either by mail, postage prepaid, certified or registered, addressed to the last known address of the party. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

t) Hearing Examiner's Recommendations

1) Initial Recommendations--Where the Director of Labor is required by law to be the sole persons acting officer, the Hearing Examiner shall, in lieu of decision and order under Section 680.230(s) and in addition to the findings and opinions required by Section 680.230(f), make recommendations by way of proposal for decision. Such recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence.

2) Opportunity to file exceptions--The Hearing Examiner shall forward a copy of his proposed findings of fact, opinions and recommendations to each party of record in the hearing and each party of record shall be allowed ten (10) days in which to submit exceptions to the findings, opinions and recommendations of the Hearing Examiner and to present a brief to the Hearing Examiner in support of the position of the party.

3) Final recommendations--The Hearing Examiner shall then prepare and submit to the Director of Labor or his authorized representative a final set of findings, opinions and recommendations which, if a party submitted proposed findings of fact which might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs filed pursuant to this Section.

u) Order of the Director

The Director shall review the record and the Hearing Examiner's findings, opinions and recommendations together with exceptions thereto and briefs in support thereof and shall issue an order as set forth by applicable statutes within a reasonable time. The decision in the case will become effective immediately upon the execution of the order or as otherwise specified within the order.

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or an applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of the party. A copy of the order shall be delivered or mailed to each party and to his attorney of record.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART BE: STANDARDS OF PRACTICE FOR ADVERTISING BY PRIVATE EMPLOYMENT AGENCIES AND EMPLOYMENT COUNSELORS COUNSELLORS

Section 680.300 Prohibition of False or Misleading Statements

No licensee shall publish or cause to be published or circulate any false or fraudulent or misleading information, representation, promise or notice by advertising, or in any other way make false statements or misrepresentation to any person seeking employment or to any employer seeking employees.

SUBPART CB: SOLICITING OF EMPLOYEES

Section 680.400 Soliciting of Employees

No private employment agency, which accepts fees from the applicant, shall by itself or by its agents solicit or attempt to persuade or induce any employee to leave or be separated from his/her employment by direct means of communication on the employer's premises during employee's employment hours, unless the said employee has previously granted his/her permission to the licensee.

(Source: Amended at 6 Ill. Reg. 5778, effective April 30, 1982)

SUBPART DE: LETTER SERVICE

Section 680.500 Letter Writing Service

- a) Letter Writing Service is that service performed by mailing letters, resumes and other correspondence for the sole purpose of generating employment offers.
- b) Licensee may, with a written permit of the Department of Labor, charge a reasonable fee to cover expenses of printing and mailing letters and resumes not to exceed \$50. The fee shall be called letter service fee and is to be credited on the fee charged for any placement resulting from such letter service.
- c) Licensee shall keep a complete record of fees collected and expenses incurred with respect to every such letter service fee charged. This record shall be called a letter service fee record (and kept on file) and open for inspection by the Department of Labor during all business

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- d) licensee shall refund the fees collected, less expenses incurred, within six months of the date of application, if no acceptable position has been furnished to the applicant by the licensee. An itemized account of such expenditures shall be presented to the applicant at the time of returning unused portion of such letter service fee. All such refunds shall be in cash or negotiable check and receipts obtained therefor.
- e) Any such permit granted by the Department of Labor may be revoked by it upon due notice to the holder of said permit and due cause shown and hearing thereon.

(Source: Amended at 6 Ill. Reg. 5778, effective April 30, 1982)

SUBPART EF: TELEPHONES

Section 680.600 Employment Agency Telephone Numbers

The licensee shall in writing notify the Department of all telephone numbers to be used by said licensee in connection with the employment agency; phone numbers must be used exclusively in the operation of the employment agency and not in conjunction with any other business.

SUBPART ES: COPY OF CONTRACT TO APPLICANT

Section 680.700 Copy of Contract

An executed copy of each contract or other document to which the applicant becomes a party with the licensee shall be given to the applicant by the licensee or licensee agency at the time of the execution of such contract or other document.

SUBPART GH: STANDARDS OF PRACTICE BY PRIVATE EMPLOYMENT AGENCIES CONDUCTING A "DOMESTIC AGENCY"

Section 680.800 Definition of "Domestic Agency"

Domestic Agency as used under these rules means and includes the business of conducting any agency, bureau, office or any other place for the purpose of procuring, offering, promising, or attempting to provide employment for any domestic or household help.

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- 1) Heading of the Part: Rules of Procedure in Administrative Hearings

- 2) Code Citation: 56 Ill. Adm. Code 120

- | Section Number: | Proposed Action: |
|-----------------|------------------|
| 120.100 | New Section |
| 120.110 | New Section |
| 120.120 | New Section |
| 120.130 | New Section |
| 120.140 | New Section |
| 120.150 | New Section |
| 120.160 | New Section |
| 120.200 | New Section |
| 120.210 | New Section |
| 120.220 | New Section |
| 120.300 | New Section |
| 120.310 | New Section |
| 120.320 | New Section |
| 120.330 | New Section |
| 120.400 | New Section |
| 120.410 | New Section |
| 120.420 | New Section |
| 120.500 | New Section |
| 120.510 | New Section |
| 120.520 | New Section |
| 120.530 | New Section |
| 120.540 | New Section |
| 120.550 | New Section |
| 120.560 | New Section |
| 120.570 | New Section |
| 120.580 | New Section |
| 120.600 | New Section |
| 120.610 | New Section |
| 120.620 | New Section |
| 120.630 | New Section |
| 120.640 | New Section |
| 120.650 | New Section |
| 120.660 | New Section |

- 4) Statutory Authority: Implementing and authorized by Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 10/10-5].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace 68 Ill. Adm. Code 680 with updated procedural rules for administrative hearings conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except for debarment proceedings conducted under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] and 56 Ill. Adm. Code 100.

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- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:
- William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)
- A public hearing is scheduled on:
- October 16, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking would affect any small businesses, small municipalities and not for profit corporations, as defined by the Illinois Administrative Procedure Act, who are parties to administrative hearings under the jurisdiction of the Director of Labor and/or the Department of Labor, except for parties to debarment proceedings conducted under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] and 56 Ill. Adm. Code 100.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Rules begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULES

PART 120

RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	Applicability
120.100	Definitions
120.110	Burden and Standard of Proof
120.120	Filing
120.130	Form of Papers Filed
120.140	Computation of Time
120.150	Referral to Illinois Supreme Court Rules and Code of Civil Procedure
120.160	

SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE

Section	Notice of Hearing
120.200	Manner of Service
120.210	Appearance
120.220	

SUBPART C: MOTION, JOINDER AND INTERVENTION

Section	Answer and Motion
120.300	Consolidation and Severance of Matters
120.310	Intervention
120.320	Postponement or Continuance of Hearing
120.330	

SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

Section	Prehearing Conferences
120.400	Discovery
120.410	Subpoenas
120.420	

SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

Section	Authority of Administrative Law Judge
120.500	Ex Parte Communications
120.510	Disqualification of Administrative Law Judge
120.520	Contumacious Conduct
120.530	Consent Findings and Rules or Orders
120.540	

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120.550 Conduct of Hearings
 120.560 Rules of Evidence
 120.570 Official Notice
 120.580 Hostile or Adverse Witnesses

SUBPART F: POST-HEARING PROCEDURES

Section
 120.600 Default
 120.610 Official Record
 120.620 Briefs
 120.630 Administrative Law Judge's Findings and Opinions
 120.640 Administrative Law Judge's Decision
 120.650 Administrative Law Judge's Recommendations
 120.660 Order of the Director

AUTHORITY: Implementing and authorized by Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 10/10-5].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 120.100 Applicability

This Part shall apply to all administrative hearings concerning contested cases conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, except for debarment proceedings conducted under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a] and 56 Ill. Adm. Code 100.

Section 120.110 Definitions

"Administrative Law Judge" means an attorney, licensed to practice law in the State of Illinois, presiding over an administrative hearing convened under this Part.

"Contested case" means an *adjudicatory proceeding* (not including rulemaking, rulemaking or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for a hearing. [5 ILCS 100/1-30]

"Day" means a calendar day.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor.

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"Document" means pleading, notice, motion, affidavit, memorandum, brief, petition, or other paper or combination of papers required or permitted to be filed.

"Evidence" means a paper, drawing, map, chart, report, study, or other tangible thing produced and submitted at a hearing, or testimony received at hearing.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

Section 120.120 Burden and Standard of Proof

The party applicant or complainant shall have the burden of proof. The standard of proof for any hearing conducted under this Part shall be the preponderance of the evidence.

Section 120.130 Filing

a) Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to the Office of Administrative Hearings, at the Department's Chicago office. Filing, inspection, and copying of documents may be done in the Office of Administrative Hearings from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for national and State legal holidays. The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays.

b) Filings received after 4:30 p.m. will be date-stamped the following business day.

c) Documents may be filed with the Office of Administrative Hearings by certified, registered, or First Class mail, by messenger service, or personally at the Department's Chicago office. Filing by electronic transmission, such as telefax machine or computer modem, will not be accepted, except when specifically requested or ordered by the Administrative Law Judge.

Section 120.140 Form of Papers Filed

a) Documents shall clearly show the title of the subject proceedings;
 b) Except as otherwise provided, the original and one copy of all

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documents, including notices, motions, and petitions, shall be filed with the Office of Administrative Hearings.

- c) Documents shall be typewritten or reproduced from typewritten copy on letter size white paper;
- d) Exhibits, where possible, shall be reduced to conform to the size requirements of subsection (c). However, one non-conforming copy may be filed with the Office of Administrative Hearings; and
- e) One copy of each document filed shall be signed by the party or by its authorized representative or attorney. All documents shall bear the business address and telephone number of the attorney filing the document, or of the party who appears on his or her own behalf.

Section 120.150 Computation of Time

Computation of any period of time prescribed by this Part shall begin with the first business day following the date of filing of the document with the Office of Administrative Hearings and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Notice and filing requirements shall be construed to mean notice and filing received. Proof that a notice or filing was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that the notice or filing was timely received.

Section 120.160 Referral to Illinois Supreme Court Rules and Code of Civil Procedure

An Administrative Law Judge may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules and the Code of Civil Procedure [735 ILCS 5], regarding any procedural question not regulated by this Part, the appropriate Act and the IAPA.

SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE**Section 120.200 Notice of Hearing**

- a) All hearings shall be initiated by the Director's issuance, upon written request or upon the Director's own motion, of a written Notice of Hearing, which shall be served upon all known parties to the hearing.
- b) Service shall be complete when the Notice of Hearing is served:
 - 1) in person; or
 - 2) by certified United States Mail, postage prepaid, addressed to the last known address of the person involved not less than 15 days before the day designated for the hearing.
- c) A Notice of Hearing served under this Part shall include:
 - 1) The time, place and nature of the hearing;
 - 2) The legal authority and jurisdiction under which the hearing is to be held;

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- 3) A reference to the particular Section of the statutes and rules involved;
- 4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and
- 5) A designation of an Administrative Law Judge to preside over the hearing and the address of the Administrative Law Judge.

d) A copy of a Notice of Hearing served pursuant to this Part shall be referred to the Administrative Law Judge designated in the Notice, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

Section 120.210 Manner of Service

Service of any document upon any party may be made by personal delivery or by registered or certified mail with return receipt signed by the party or its registered agent. Proof of service shall be made by affidavit of the person making personal service, or by a properly executed registered or certified mail receipt.

Section 120.220 Appearance

a) Any person entitled to participation in proceedings may appear as follows:

- 1) A natural person may appear on his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois.
- 2) A corporation may appear through any officer, employee, or representative, or by an attorney at law licensed and registered to practice in the State of Illinois.
- 3) Any other person, including the State of Illinois and all political subdivisions, may appear through any officer, employee, or representative, or by an attorney licensed and registered to practice in the State of Illinois.
- b) Attorneys not licensed and registered to practice in the State of Illinois may request to appear on a particular matter by filing a motion with the Administrative Law Judge.
- c) An attorney appearing in a representative capacity shall file a separate written notice of appearance with the Administrative Law Judge, together with proof of service and notice of filing on all parties.
- d) An attorney who has appeared in a representative capacity and who wishes to withdraw from that representation shall file a notice of withdrawal with the Administrative Law Judge, together with proof of service and notice of filing on all parties.

SUBPART C: MOTION, JOINDER AND INTERVENTION**Section 120.300 Answer and Motion**

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- a) Any party receiving a Notice of Hearing may file a written answer not later than 7 days prior to the date of the hearing. All answers or motions preliminary to a hearing shall be presented to the Administrative Law Judge in accordance with Section 120.130 of this Part at least 7 days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted.
- b) Unless made orally on the record during a hearing, or unless the Administrative Law Judge directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. At least 2 copies of all motions shall be filed with the Office of Administrative Hearings and one copy with the Administrative Law Judge, and at least one copy served on each additional party, if any, to the hearing.
- c) Within 7 days after service of a written motion, or other period as the Administrative Law Judge may prescribe, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.
- d) No oral argument will be heard on a motion unless the Administrative Law Judge directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.
- e) A written motion will be disposed of by written order and on notice of all parties.
- f) The Administrative Law Judge shall rule upon all motions, except that he or she shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
- g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files his answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

Section 120.310 Consolidation and Severance of Matters

In the interest of convenient, expeditious and complete determination of matters, the Administrative Law Judge may consolidate or sever hearing proceedings involving any number of parties, and may order additional parties to be brought in.

Section 120.320 Intervention

- a) Upon timely written application, the Administrative Law Judge may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when:
 - 1) The party is so situated that he or she may be adversely affected by a final order arising from the hearing; or

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- 2) A party's circumstances and the hearing proceeding have a question of law or fact in common.
- b) Two copies of a petition for intervention shall be filed with the Office of Administrative Hearings and one copy shall be filed with the Administrative Law Judge, and one copy served on each party. The Administrative Law Judge shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.
- c) An intervenor shall have all the rights of an original party, except that the Administrative Law Judge may, in his or her Order allowing intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay may require.

Section 120.330 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Administrative Law Judge upon his or her own motion or upon the motion of a party to the hearing. A motion by a party shall set forth facts attesting that the request for continuance is not for the purposes of delay. Examples of due cause include the unavailability of the Administrative Law Judge, a witness or a party due to an accident, illness or other circumstances beyond the person's control. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS**Section 120.400 Prehearing Conferences**

- a) Upon the Administrative Law Judge's own motion or the motion of a party, the Administrative Law Judge may direct the parties or their counsel to meet with the Administrative Law Judge for a conference to consider:
 - 1) Simplification of the issues;
 - 2) Necessity or desirability of amending documents for purposes of clarification, simplification or limitation;
 - 3) Stipulations and admissions of fact and of contents and authenticity of documents;
 - 4) Limitation of the number of witnesses;
 - 5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
 - 6) Such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion.

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- b) The Administrative Law Judge shall make an order that recites the action taken at the conference, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered and that limits the issues for hearings to those not disposed of by admissions or agreements. The order, when entered, controls the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

Section 120.410 Discovery

- a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Deposition may be taken orally or upon written interrogatories before any person designated by the presiding Administrative Law Judge and having power to administer oaths.
- b) Any party desiring to take the deposition of a witness may make application in writing to the presiding Administrative Law Judge, setting forth:
- 1) The reasons why the deposition should be taken;
 - 2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
 - 3) The name and address of each witness; and
 - 4) The subject matter concerning which each witness is expected to testify.
- c) Any notice the presiding Administrative Law Judge may order shall be given by the party taking the deposition to every other party.
- d) Each witness testifying upon deposition shall be sworn, and the parties not calling the witness shall have the right to cross examine the witness. The questions and answers, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him or her, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with 2 copies, in an envelope and mail the envelope by registered mail to the presiding Administrative Law Judge. Subject to objections to the questions and answers noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for taking of the deposition in the first instance exist at the time of the hearing.
- e) Whenever appropriate to a just disposition of any issue in a hearing, the presiding Administrative Law Judge may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party, or entry for inspection of the employment or place of employment involved.
- f) The Administrative Law Judge may at any time on his or her own initiative, or on motion of any party or witness, make a protective

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order as justice requires denying, limiting, conditioning or regulating discovery to prevent unreasonable delay, expense, harassment, or oppression, or to protect trade secrets or confidential information.

Section 120.420 Subpoenas

- a) The Administrative Law Judge may issue a subpoena to compel the attendance of a witness or the production of documents when the witness or the production of documents has or contains relevant evidence but is not being presented by the party, witness or holder of a document. A party may also request the Administrative Law Judge to issue a subpoena to compel the attendance of a witness or the production of documents.
- b) A Request for Subpoena shall be either in writing or on the record and shall:
- 1) Identify the witness or document sought;
 - 2) State the facts that will be proven by each witness and or document sought; and
 - 3) Provide a proposed subpoena.
- c) The Administrative Law Judge shall grant or deny the request, either in writing or on the record. The movant is responsible for serving the subpoena upon the party or witness if the request is granted. Service of a subpoena must be completed 7 days before the date of the required appearance or production.
- d) The Administrative Law Judge, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable, oppressive, or irrelevant. The Administrative Law Judge will rule upon motions to quash or modify material requested in the subpoena, denying, limiting or conditioning the production of information when necessary to prevent undue delay, undue expense, harassment, or oppression or to protect materials from disclosure consistent with the provisions of Section 120.410(f) of this Part. If the Request for Subpoena is denied or modified, the Administrative Law Judge shall proceed to conduct the hearing, and the specific reasons for denying or modifying the request shall be made part of the record.
- e) Any witness subpoenaed for a deposition may be required to attend only in the county in which the witness resides or maintains an office address, or in any other place ordered by the Administrative Law Judge.

SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

Section 120.500 Authority of Administrative Law Judge

An Administrative Law Judge presiding over a hearing shall have all powers necessary and appropriate to conduct a full, fair and impartial hearing,

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including the following:

- a) To administer oaths and affirmations;
- b) To rule upon offers of proof and receive relevant evidence;
- c) To exercise the power of the Director and issue subpoenas under any statute;
- d) To provide for discovery and to determine its scope;
- e) To regulate the course of the hearing and the conduct of the parties and their counsel;
- f) To consider and rule upon procedural requests;
- g) To hold conferences for the settlement or simplification of the issues;
- h) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- i) To make or to cause to be made an inspection of the employment or place of employment involved; and
- j) To make decisions in accordance with the appropriate Act and rules, this Subpart, and the IAPA.

Section 120.510 Ex Parte Communications

- a) No party may engage in any ex parte communication with an Administrative Law Judge or with any member of the Department regarding matters pending before an Administrative Law Judge or the Director.
- b) The Administrative Law Judge shall not initiate ex parte communications directly or indirectly, in any matter in connection with any substantive issue, with any interested person or party. If the Administrative Law Judge receives any such ex parte communication, including any documents, he or she shall inform the other parties of the substance of any such oral communication or documents. The other parties shall be given an opportunity to review any such ex parte communication.
- c) Nothing shall prevent the Administrative Law Judge from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the file, as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons involved and the results of such routine communications shall be part of the record. A member of the Department may communicate with other members of the Department and a Department member or Administrative Law Judge may have the aid and advice of one or more personal assistants.

Section 120.520 Disqualification of Administrative Law Judge

At any time prior to the issuance of the Administrative Law Judge's decision or recommendations, a party may move to disqualify the Administrative Law Judge on

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the grounds of bias or conflict of interest. The motion shall be made in writing to the Director, with a copy to the Administrative Law Judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The Administrative Law Judge's employment or contract as an Administrative Law Judge by the Department is not, in and of itself, a conflict of interest. The case shall be suspended until the Director rules on the motion. The Director may decline to disqualify the Administrative Law Judge or appoint another Administrative Law Judge to hear the case.

Section 120.530 Contumacious Conduct

- a) Contumacious conduct at any hearing before the Administrative Law Judge shall be grounds for exclusion from the hearing.
- b) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Administrative Law Judge may make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the hearing.

Section 120.540 Consent Findings and Rules or Orders

- a) At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance or duration of the opportunity shall be in the discretion of the presiding Administrative Law Judge after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.
- b) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:
 - 1) That the rule or order shall have the same force and effect as if made after a full hearing;
 - 2) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;
 - 3) A waiver of any further procedural steps before the presiding Administrative Law Judge; and
 - 4) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
- c) On or before the expiration of the time granted for negotiations, the parties or their counsel may:
 - 1) Submit the proposed agreement to the presiding Administrative Law

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Judge for consideration; or

- 2) Inform the presiding Administrative Law Judge that agreement cannot be reached.
- d) In the event that an agreement containing consent findings and rule or order is submitted in the time allowed, the presiding Administrative Law Judge may accept the agreement by issuing a decision based upon the agreed findings.

Section 120.550 Conduct of Hearings

- a) All hearings shall be public unless required by statute to be otherwise.
- b) The following shall be the order of proceeding of all hearings, subject to modification by the presiding Administrative Law Judge for good cause:
 - 1) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;
 - 2) Presentation of applicant's or complainant's opening statement;
 - 3) Presentation of objector's or respondent's opening statement;
 - 4) Objector's or respondent's case;
 - 5) Applicant's or complainant's case in rebuttal;
 - 6) Objector's or complainant's closing statement;
 - 7) Applicant's or respondent's closing statement;
 - 8) Presentation and argument of all motions prior to final order;
 - 9) Presentation of written brief or proposed findings of fact, conclusions of law and order if required or allowed by the presiding Administrative Law Judge; and
 - 10) Filing of findings of fact and conclusions of law and recommendations of the Administrative Law Judge.

Section 120.560 Rules of Evidence

- a) A party shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Administrative Law Judge may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, an Administrative Law Judge may allow evidence to be received in written form.
- b) The testimony of a witness shall be under oath or affirmation

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- c) If a party objects to the admission or rejection of any evidence or to the limitation to the scope of any examination or cross-examination, or to the failure to limit such scope, he shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Administrative Law Judge shall admit the evidence subject to the right of the Administrative Law Judge to strike the evidence from the record either during the hearing or as a part of his or her findings of fact and conclusions of law if he or she should determine that it was improperly admitted. In this case, it shall not be considered in making findings of fact, conclusions of law and recommendations.
- d) Formal exception to an adverse ruling is not required.

Section 120.570 Official Notice

Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of the fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts noticed. The Department's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

Section 120.580 Hostile or Adverse Witnesses

- a) If the Administrative Law Judge determines that a witness is hostile or unwilling or adverse, he or she may be examined by the party calling him or her as if under cross-examination.
- b) The party calling an occurrence witness, upon the showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach the witness by proof of prior inconsistent statements.

SUBPART F: POST-HEARING PROCEDURES

Section 120.600 Default

Failure of a party to appear at the hearing or failure to proceed as ordered by the Administrative Law Judge shall constitute a default. The Administrative Law Judge shall thereupon enter findings, opinions and recommendations as are appropriate under the pleadings and evidence he or she shall receive into the record.

Section 120.610 Official Record

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- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
 - 1) All pleadings, including all notices and responses to those pleadings;
 - 2) A transcript of the hearing, if any, and all evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Any offers of proof, objections and rulings on that proof;
 - 5) Any proposed findings and acceptance;
 - 6) Any decision, opinion or report by the Administrative Law Judge;
 - 7) All staff memoranda or data submitted to the Administrative Law Judge or members of the Department in connection with their consideration of the case; and
 - 8) Any ex parte communication prohibited by Section 10-60 of the IAPA [5 ICS 100/10-60], but those communications shall not form the basis for any finding of fact.
- b) The record shall also contain the following:
 - 1) Subpoenas;
 - 2) Requests for Subpoenas;
 - 3) Cover letters;
 - 4) Notices of Filing;
 - 5) Certificates of mailing for regular mail and return receipts for certified mail; and
 - 6) Discovery Requests.
- c) The Department shall be the official custodian of the records of administrative hearings held by the Department.

Section 120.620 Briefs

The Administrative Law Judge may require or allow parties to submit written briefs to the Administrative Law Judge within 10 days after the close of the hearing or other reasonable time as the Administrative Law Judge shall determine consistent with the Director's responsibility for an expeditious decision.

Section 120.630 Administrative Law Judge's Findings and Opinions

The Administrative Law Judge's findings and opinions shall be in writing and shall include findings of fact and conclusions of law or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

Section 120.640 Administrative Law Judge's Decision

Where authorized by statute or rule to act as the personal representative of the Director, the Administrative Law Judge shall, in addition to the findings

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and opinions required by Section 120.630, render a decision and issue an order upon consideration of the record as a whole or such portion of the record as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the Director and shall become effective immediately upon the execution of the order by the Administrative Law Judge or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

Section 120.650 Administrative Law Judge's Recommendations

- a) Where the Director is required by law to be the sole, personal acting officer, the Administrative Law Judge shall, in lieu of decision and order under Section 120.640 and in addition to the findings and opinions required by Section 120.630, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.
- b) The Administrative Law Judge shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions, and recommendations of the Administrative Law Judge and to present a brief to the Administrative Law Judge in support of those exceptions.
- c) The Administrative Law Judge shall then prepare and submit to the Director or his or her authorized representative a final set of findings, opinions and recommendations that, if a party submitted proposed findings of fact that might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs filed pursuant to this Section.

Section 120.660 Order of the Director

The Director shall review the record and the Administrative Law Judge's findings, opinions and recommendations, together with exceptions and briefs, and shall issue an order as set forth by applicable statutes within a reasonable time. The decision in the case will become effective immediately upon the execution of the order or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

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1) Heading of the Part: Statewide Displaced Homemakers Program2) Code Citation: 56 Ill. Adm. Code 3653) Section Numbers Proposed Action

365.5 Repeal

365.20 Amend

365.50 Amend

365.60 Amend

365.70 Amend

365.80 Amend

365.90 Amend

365.100 Amend

365.110 Amend

365.120 Amend

4) Statutory Authority: Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615].5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will update the regulations under the Displaced Homemakers Assistance Act [20 ILCS 615], and replace each reference to the Department of Commerce and Community Affairs in the regulations with a reference to the Department of Labor.6) Will this proposed amendment replace an emergency amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

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A public hearing is scheduled on:

October 16, 2000, at 1:00 p.m.

Illinois Department of Labor

160 North LaSalle Street, Suite C-1300

Chicago, Illinois 60601

12 Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all organizations seeking funding from the Displaced Homemakers Program that are also a small business or a not for profit corporation as defined by the Illinois Administrative Procedure Act. The program does not fund small municipalities.

B) Reporting, bookkeeping, or other procedures required by compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000The full text of the Proposed Amendments begins on the next page:

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develop programs, funded through General Revenue appropriations, that will implement, expand, and enhance services to displaced homemakers throughout the State ~~state~~. These programs will assist displaced homemakers through the

- a) personalized counseling and referral,
- b) workshops for assessment of skills and career orientation,
- c) assistance in writing resumes and acquiring other preoccupational skills,
- d) skill training for employment,
- e) job placement assistance, and
- f) any method likely to improve the employability of the displaced homemaker.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.50 Eligible Target Group

- a) The target group is displaced homemakers, to which assistance is necessary for them to be able to become independent and to gain economic security. In Section 3 of the Displaced Homemakers Assistance Act [20 ILCS 615/31.7-(par:3453a)] a displaced homemaker is defined as follows:

"Displaced homemaker" means a person who (1) has worked in the home for a substantial number of years providing unpaid household services for family members; (2) is not gainfully employed; (3) has difficulty in securing employment; and (4) was dependent on the income of another family member but is no longer supported by such income, or was dependent on federal assistance but is no longer eligible for such assistance.

- b) The Department of Labor Commerce-and-Community-Affairs intends General Revenue Funds to be used to provide services to displaced homemakers, particularly in the areas of job training and job placement. The displaced homemaker, in order to be eligible to receive tuition-paid training through the program, must show a financial inability to pay tuition. Financial inability will be determined by a sliding fee scale based on income. The sliding fee scale will be developed by each Displaced Homemaker Center, subsequently approved by the Department of Labor Commerce-and-Community-Affairs. The Department will provide a sample which is reasonable. Tuition and stipends will be awarded only on a financial need basis and amounts will vary with the area according to costs of community college classes and other education or training available.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.60 Eligible Organizations for Funding

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER B: Regulation of Working Conditions

PART 365

STATEWIDE DISPLACED HOMEMAKERS PROGRAM

Section

- 365.5 Introduction (Repealed)
- 365.10 Scope and Purpose
- 365.20 Policy and Applicability
- 365.30 Use of Funds
- 365.40 Duration of Program
- 365.50 Eligible Target Group
- 365.60 Eligible Organizations for Funding
- 365.70 Availability of Information to the Public
- 365.80 Application Process
- 365.90 Internal Review Procedure for Applications
- 365.100 Record Maintenance and Reporting Requirements
- 365.110 Monitoring and Evaluation
- 365.120 Non-Compliance

AUTHORITY: Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615].

SOURCE: Adopted at 4 Ill. Reg. 19, p. 189, effective April 29, 1980; codified at 6 Ill. Reg. 15178; recodified from 47 Ill. Adm. Code 150 at 8 Ill. Reg. 7799; transferred from 56 Ill. Adm. Code 2640 (transferred by P.A. 87-878) at 16 Ill. Reg. 17177; amended at 24 Ill. Reg. _____, effective _____.

Section 365.5 Introduction (Repealed)

The Department of Commerce-and-Community-Affairs submits the following guidelines and requirements for funding and administration of the Displaced Homemakers Assistance Act with subsequent monitoring and evaluation by authority of statutory authority of Executive Order Number 3-79-and-of statutory authority of Illinois Revised Statutes 1981, Chapter 23, Sections 3451-to-3457-as-amended. Guidelines and requirements contained herein are to be used for the purpose of establishing rules and regulations for the Displaced Homemakers Assistance Act and distribution of appropriated funds.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 365.20 Policy and Applicability

The policy of the Department of Labor Commerce-and-Community-Affairs will be to

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The Department of Labor ~~Commerce--and--Community--Affairs~~ may fund, for the purpose of the General Revenue funded Displaced Homemakers Program, not-for-profit corporations, community organizations, State ~~state~~ and private colleges and universities. Only those organizations which have demonstrated that they are currently providing services to displaced homemakers will be funded through this Displaced Homemakers Program.

Section 365.70 Availability of Information to the Public

The Department of Labor ~~Commerce--and--Community--Affairs~~ shall make available to the public a copy of this Part ~~these--rules~~ for participation in the Displaced Homemakers Program. Requests For Proposals (RFPs) will be mailed to organizations on a solicitation list of potential providers, maintained by the Department of Labor ~~Commerce--and--Community--Affairs~~ and kept up-to-date by new names and addresses being added upon request. The public shall have the right to inspect published State ~~state~~ rules on program and administrative requirements for funding and operation of the Displaced Homemakers Program. This Part ~~these--rules~~ will be available at the Department of Labor's Chicago office ~~Job-Training-Programs-Division--Department--of--Commerce--and--Community Affairs--620-East-Adams--6th-Floor--Springfield--Illinois-62701~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.80 Application Process

- a) The Department of Labor ~~Commerce--and--Community--Affairs~~ shall make RFPs a-Request-For-Proposals describing proposed projects before awarding of funds. Due-to-the-delay-in-the-appropriations-process-this-first fiscal-year-1987-the-deadline-for-submission-was-not-consistent with--most--programs--funded--by--General--Revenue--funding--in-future fiscal-years? RFPs will be issued in May in order that programs can start up on July 1.
- b) Consistent with the RFP process, when funds become available, a deadline is established for the submission of proposals. It takes approximately three weeks after the deadline for submission of proposals for the proposals to be reviewed, for recommendations for funding to be made and confirmed by the Director of the Department of Labor ~~Commerce--and--Community--Affairs~~, and for the applicants to be notified of approval or denial of applications (proposals).
- c) The RFP request-For-Proposals shall require any organization or agency applying for funds to provide the following information in the Proposal (application):
 - 1) Cover Page
 - A) Name of project
 - B) Name of organization or agency submitting proposal
 - C) Date of submission of proposal
 - D) Contact person

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- B) Mailing address
- F) Telephone number
- G) Total amount of funds requested
- H) Starting and ending dates of program
- I) Signatures of authorized representatives
- 2) Project Summary
 - A) Need for project should be established
 - B) Brief explanation of proposed program
 - C) Brief explanation of past year's performance, including the following:
 - i) How many displaced homemakers received or are receiving preemployment skills training and/or job skills training?
 - ii) How many displaced homemakers have been placed in employment or academic, vocational, or skills training for employment ~~have-gone-back-to-full-time-classes?~~
- 3) Program Planning Summary

The program must show that displaced homemakers will be provided services as described in the applicant's proposal, or if an applicant is starting a new program, the list of services to be provided must be shown. The program must emphasize job training and placement techniques for displaced homemakers.
- 4) Assurances and Certifications

The organization or agency making application shall assure and certify that it will abide by applicable State ~~state~~ rules, regulations, and requirements and provide copies or description of the following certification and other required information:

 - A) That the proposal must identify any salaried personnel as being in new positions when salary is to be paid through the Displaced Homemakers Program funds.
 - B) That displaced homemakers receiving tuition must show a financial need.
 - C) That there is compliance with Equal Opportunity and Affirmative Action Provisions of the Department of Human Rights Illinois-Fair-Employment-Practices-Commission.
 - D) That there will be compliance with the following Acts and Regulations, should the proposal be funded:
 - i) The Displaced Homemakers Assistance Act--as-amended;
 - ii) Civil Rights Act of 1964 (42 USC B-S-E-20002);
 - iii) Fair Labor Standards Act of 1938; (29 USC B-S-E-201 et seq.);
 - iv) Equal Employment Act of 1972; (42 USC B-S-E-2000 et seq.);
 - v) Minimum Wage Law [820 ILCS 105] {111-Rev-Stat-1987-CH-48-Par-164-et-seq-7}
 - vi) Eight Hour Work Day Act "An-Act-making-eight-hours-a-legal-day's-work" [820 ILCS 145] {111-Rev-Stat-1987-CH-48-Par-1-end-27}

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- vii) One Day Rest in Seven Act "a-Act-to-promote-the-public-health-and-comfort-of-persons-employed-by-providing-for-one-day-of-rest-in-seven [820 ILCS 140] (iii-Rev-Stat-1981-ch-48-par-56-et-seq-7) (iii-Rev-Stat-1981-ch-130 ILCS 605) (iii-Rev-Stat-1981-ch-127-par-133-et-seq-7);
- ix) the Department of Central Management Services purchasing rules (44 Ill. Adm. Code 1, Standard Procedures) Purchasing-Regulations-Acquisition-of-Procedures-not-otherwise-covered-by-the-Department-of Rules-and-Regulations;
- x) the Property Control Manual of the Department of Central Management Services;
- xi) the Displaced Homemakers Program Regulations (56 Ill. Adm. Code 365.9640).

5) Budget Summary

A proposed budget must be submitted.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.90 Internal Review Procedure for Applications

- a) All proposals submitted for funding shall be reviewed by the Department of Labor Commerce-and-Community-Affairs--Job-Granting Programs--Division--Office-of-Program-Development-and-Assessment, according to criteria, rules, and regulations set forth in Section 365.302640-30, Use of Funds, and Section 365.802640-60, Application Process.

- b) Upon completion of the review by the Department of Labor Subgrant Development--Unit-and-the-Manager-of-the-Office-of-Program-Development and-Assessment, a preliminary recommendation for approval or disapproval will be made. The preliminary recommendation shall then be forwarded to the Director of Labor the-Department-of-Commerce-and-Community-Affairs who will make the final decision to approve or disapprove a particular program. All applicants shall be notified of approval or denial of proposed programs under the Displaced Homemakers Program. A contract will be signed between the Department and the successful applicant, setting forth all terms of the funded program, including, but not limited to, the requirements of Section 365.802640-60, Application Process, and Section 365.1002640-100, Record Maintenance and Reporting Requirements.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.100 Record Maintenance and Reporting Requirements

- a) Grantees will be required to submit the following reports:
- 1) Monthly and quarterly progress reports.
 - 2) Final program evaluation report within 90 days after the end of the project.
- b) Grantees will be required to maintain the following records:
- 1) a separate accounting system for the Displaced Homemakers Program funds granted by the Department of Labor Commerce-and-Community Affairs;
 - 2) a journal showing cash disbursements as cited in the budget;
 - 3) a general ledger summarizing cash receipts and disbursements; and
 - 4) a file for each person being paid out of the Displaced Homemakers grant to include time sheets, salary and travel vouchers.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.110 Monitoring and Evaluation

- a) The Department of Labor Commerce-and-Community-Affairs may monitor and evaluate all grants made to eligible grantees through the Displaced Homemakers Program. Grant programs will be monitored for compliance with the rules, regulations, and requirements which the Department of Labor Commerce-and-Community-Affairs may establish for the programs. The right to make unannounced monitoring visits during the duration of the grant is reserved.
- b) If, during a visit, problems are discovered, the Department would provide technical assistance and attempt to rectify the situation. In the event that the program could not be brought up to standard, and ~~upon-the-input-and-advice-of-the-Advisory-Committee-for-Displaced Homemakers~~, the Department would be compelled to consider discontinuance of the program.

- c) Programs will be evaluated for effectiveness of the program and for benefit to displaced homemakers and to the State. The effectiveness of a program will be judged according to how nearly the program completes the objectives and reaches the goals outlined in the signed agreement. Evaluations will occur both during the operation of the program and upon its completion.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 365.120 Non-Compliance

- a) If the Department should determine that a program might not be in compliance with the Department's rules and regulations, standard procedures would be used to reach a final determination. The Department would give written notice to the grantee specifying the nature of the deficiency and giving the grantee ~~thirty-(30)~~ calendar

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days in which to:

- 1) cure the defect;
 - 2) commence to implement a plan of corrective action consented to by the Department; or
 - 3) file an objection to the Department's finding of deficiency.
- b) If the grantee ~~Grantee~~ files an objection, the ~~Manager-of-the-Job Training-Programs-Division-of-the~~ Department shall investigate the matter and present the facts and his findings to the Director of the Department for a final determination. The grantee may submit any written or oral statement for the consideration of the Director ~~of-the Department~~. During the pendency of the determination of the objection, the Department may either continue to make payment to the grantee or suspend payments. The Department is authorized to suspend payments if, in the sole discretion of the Department, payments would jeopardize funding of the Department or prevent the Department from obtaining appropriate reimbursement from the State ~~state~~ government. In the event of termination, the Department may retain all suspended payments.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Toxic Substances Disclosure to Employees
- 2) Code Citation: 56 Ill. Adm. Code 205
- 3) Section Numbers: Proposed Action:
205.260 Amended
- 4) Statutory Authority: Implementing and authorized by the Toxic Substances Disclosure to Employees Act (820 ILCS 225).
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.230 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 205.260 to provide that administrative hearings under Part 205 will be conducted under 56 Ill. Adm. Code 120.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 16, 2000, at 1:00 P.M.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all employers, manufacturers, importers, suppliers or other persons subject to the Act that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER B: REGULATION OF WORKING CONDITIONS

PART 205

TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES

SUBPART A: GENERAL PROVISIONS

Section	General Purpose
205.20	

SUBPART B: REQUIREMENTS

Section	General Purpose
205.200	Definitions
205.210	Employee Rights
205.220	Submission of Information to the Department of Labor
205.230	Labeling
205.240	Posting of Signs
205.250	Training
205.260	Enforcement Hearing Procedures
205.270	Toxic Substances List Additions/Deletions (Repealed)
205.280	Material Safety Data Sheets (MSDS)
205.290	Trade Secret Procedures
205.300	Fire Safety
205.310	Exemptions

APPENDIX A Hazard Warnings (Non-mandatory Guidance)

APPENDIX B Trade Secrets

TABLE A Toxic Substances List (Repealed)

AUTHORITY: Implementing and authorized by the Toxic Substances Disclosure to Employees Act (820 ILCS 255).

SOURCE: Emergency rules adopted at 8 Ill. Reg. 3402, effective March 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 7838, effective May 23, 1984; emergency amendments at 8 Ill. Reg. 15628, effective August 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7751, effective October 29, 1984; amended at 11 Ill. Reg. 10247, effective May 18, 1987; amended at 11 Ill. Reg. 14717, effective August 24, 1987; amended at 15 Ill. Reg. 16084, effective October 28, 1991; amended at 21 Ill. Reg. 10932, effective July 25, 1997; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: REQUIREMENTS

Section 205.260 Enforcement Hearing Procedures

DEPARTMENT OF LABOR

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Resolutions of complaints alleging violations of the Act will be pursued in accordance with the Illinois Administrative Procedure Act [5 ICS 100/Art. 10] and 56 Ill. Adm. Code 120.

- a) Notice-of-the-hearing-shall-be-by-U.S.-Certified-Mail-and-shall indicate:
 - 1) time, place, date and nature of the hearing;
 - 2) jurisdiction under which the hearing is to be held;
 - 3) A reference to the particular statutes and rules involved;
 - 4) A short and plain statement of the matters asserted.
- b) Hearings shall be conducted by a hearing officer designated by the Director.
- c) The hearing shall be conducted at a location designated by the hearing officer.
- d) The hearing shall be held within 60 days of receipt by the respondent of the complaint and hearing notice. (Ill. Rev. Stat. 1985, ch. 48, par. 1417).
- e) At the hearing, the parties shall have a right:
 - 1) to present any evidence;
 - 2) to be represented by counsel or other representative;
 - 3) to cross-examine witnesses. (Ill. Rev. Stat. 1985, ch. 48, par. 1417).
- f) The Director shall issue subpoenas to compel witnesses to attend the hearing and for the orderly prehearing exchange of information and documents by the complaining employee, employee representative or employer and the respondent (Ill. Rev. Stat. 1985, ch. 48, par. 1417).
- g) The Director has the option of using a court reporter or tape recorder to record the hearings. Additionally, the record shall include such as produced in accordance with Section 22 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1011).
- h) The Department shall have the authority to request the issuance of a search warrant or subpoena to inspect the pertinent files or premises of an employer, manufacturer, importer or supplier when investigating a complaint (Ill. Rev. Stat. 1985, ch. 48, par. 1417).
- i) Parties other than those directly involved may intervene in the same manner as provided in the Department's Prevailing Wage Hearing Procedures (56 Ill. Adm. Code 100.40).
- j) It shall be the duty of the hearing officer to make decisions and issue rulings as necessary to provide an efficient, correct and fair record.
- k) The hearing officer's recommended decision shall be made to the Director who in turn will issue the final decision. The hearing officer shall send a draft recommendation to the involved parties for comment before sending a final recommendation to the Director.
- l) The Director shall issue a final decision and order within 30 days after the hearing in accordance with Sections 13 and 14 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1014). In making this decision the Director shall consider the

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record and whether the Act has been followed.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Whistleblower Protection
- 2) Code Citation: 56 Ill. Adm. Code 353
- 3) Section Numbers: Proposed Action:
353.340 Amend
- 4) Statutory Authority: Implementing and authorized by Section 11b of the Prevailing Wage Act [820 ILCS 130/11b(c)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is part of an integrated plan to replace the Department's rules for administrative hearings at 68 Ill. Adm. Code 680.220 with updated procedural rules the Department proposes to codify at 56 Ill. Adm. Code 120. Specifically, the rulemaking amends Section 353.340 to provide that administrative hearings under Part 353 will be conducted under 56 Ill. Adm. Code 120.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

October 15, 2000, at 1:00 p.m.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

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- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all employers or other persons subject to the Act that are also a small business, small municipality, or a not for profit corporation as defined by the Illinois Administrative Procedure Act.
- B) Reporting, bookkeeping, or other procedures required by compliance:
None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 353

WHISTLEBLOWER PROTECTION

SUBPART A: GENERAL PROVISIONS

Section
353.100 Purpose of this Part
353.110 Definitions

SUBPART B: OBLIGATIONS AND PROHIBITED CONDUCT

Section
353.200 Obligations and Prohibited Conduct

SUBPART C: ADMINISTRATION AND ENFORCEMENT

Section
353.300 Filing an Application
353.310 Investigation
353.320 Issuance of Decision
353.330 Request for Hearing
353.340 Hearings
353.350 Judicial Review

AUTHORITY: Implementing and authorized by Section 11b(c) of the Prevailing Wage Act [820 ILCS 130/11b(c)].

SOURCE: Adopted at 21 Ill. Reg. 6845, effective May 20, 1997; amended at 24 Ill. Reg. _____, effective _____.

SUBPART C: ADMINISTRATION AND ENFORCEMENT

Section 353.340 Hearings

Upon receipt of a properly filed "request for hearing", the Director shall convene an administrative hearing pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and 56 Ill. Adm. Code 120.60-~~###~~ **Adm.-Code-600-230**.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) **Heading of the Part:** Definitions and General Provisions

2) **Code Citation:** 35 Ill. Adm. Code 211

3)

Section Numbers:	Proposed Action:
211.955	New
211.960	New
211.1120	New
211.3483	New
211.3485	New
211.3487	New
211.3780	New
211.5015	New
211.5020	New

4) **Statutory Authority:** Implementing Sections 5/9, 9.1, 9.9 and 10 of the Illinois Environmental Protection Act and authorized by Sections 27 and 28.5 [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

5) **A. Complete Description of the Subjects and Issues Involved:** This rulemaking is explained in more detail in the Board's opinion and order of August 24, 2000, R01-11, available from the address in item 11 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency under the fast-track rulemaking provision of Section 28.5 of the Environmental Protection Act. These proposed additions to 35 Ill. Adm. Code 211 are new definitions that will be used in the proposed amendments to 35 Ill. Adm. Code 217.Subpart T "Cement Kilns" (which also appear in today's Illinois Register).

6) **Will these proposed amendments replace an emergency amendment currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** Yes

Section Number	Proposed Action	Illinois Register Citation
211.102	Amend	24 Ill. Reg. 11473
211.479	New	24 Ill. Reg. 11473
211.1312	New	24 Ill. Reg. 11473
211.1316	New	24 Ill. Reg. 11473
211.1320	New	24 Ill. Reg. 11473
211.1324	New	24 Ill. Reg. 11473
211.1328	New	24 Ill. Reg. 11473
211.1515	New	24 Ill. Reg. 11473
211.2080	New	24 Ill. Reg. 11473

POLLUTION CONTROL BOARD

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211.2420	New	24 Ill. Reg. 11473
211.2425	New	24 Ill. Reg. 11473
211.2620	New	24 Ill. Reg. 11473
211.2815	New	24 Ill. Reg. 11473
211.2820	New	24 Ill. Reg. 11473
211.3980	New	24 Ill. Reg. 11473
211.4960	New	24 Ill. Reg. 11473
211.5580	New	24 Ill. Reg. 11473

10) Statement of Statewide Policy Objectives: The proposed amendments are brought under the authority of Sections 5/9.9, 27, and 28.5 of the Illinois Environmental Protection Act. The amendments proposed by the Pollution Control Board (Board) are required to be adopted by the State under Clean Air Act Sections 110(a), 172(b), 182(b)(1)(A), 182(c)(2)(A), and 182(g)(1). 42 USC Sections 7401(a), 7502(b), 7511a(b)(1)(A), and 7511a(c)(2)(A), and 7511a(g)(1). These amendments will become part of the State Implementation Plan (SIP) to be submitted to the United States Environmental Protection Agency for approval, as follows: Attainment demonstrations for the Metro-East/St. Louis ozone nonattainment area and the Chicago ozone nonattainment area; to satisfy a portion of the requirements of the so-called NOx SIP Call, 63 Fed. Reg. 57356 (Oct. 27, 1998); and to meet the requirements of Section 9.9 of the Act by implementing the Federal NOx Trading Program for large cement kilns.

These proposed amendments create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (1998)] only for those local governments (if any) that own or operate large cement kilns with NOx emissions greater than one ton per day.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-11 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago, IL 60601

Questions may be addressed to Joel Sternstein, at 312-814-3665 or sternstj@ipcb.state.il.us.

The Board will also accept comment at hearings scheduled for the following dates:

October 3, 2000, at 11:00 a.m.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Pollution Control Board Conference Room
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

November 3, 2000, at 10:00 a.m.
Illinois Pollution Control Board Conference Room
600 S. 2nd Street, Fourth Floor
Springfield, Illinois 62704

November 15, 2000, at 11:00 a.m. (if necessary)
James R. Thompson Center
Illinois Pollution Control Board Conference Room
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Please request copies of the Board's opinion and order in Docket R01-11 from Patricia Jones, at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

12) Initial Regulatory Flexibility Analysis:

A) Small businesses, small municipalities and not for profit corporations affected: Only those small businesses, small municipalities and not-for-profit corporations that own or operate large cement kilns with NOx emissions greater than one ton per day would be affected. The additional requirements are identical to those mandated by federal law.

B) Reporting, Bookkeeping or other procedures required for compliance: The proposed revisions to Part 211 do not require that a source maintain any additional records; however, recordkeeping and reporting requirements appear in the context of the accompanying proposed amendments to 35 Ill. Adm. Code 217-Subpart T.

C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected sources will be required. These may include services of a consulting engineer.

13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota

211.150 Accumulator
211.170 Acid Gases

211.210 Actual Heat Input
211.230 Adhesive

211.240 Adhesion Promoter
211.250 Aeration

211.270 Aerosol Can Filling Line
211.290 Afterburner

211.310 Air Contaminant
211.330 Air Dried Coatings

211.350 Air Oxidation Process
211.370 Air Pollutant

211.390 Air Pollution
211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer
211.450 Airless Spray

211.470 Air Assisted Airless Spray
211.474 Alcohol

211.484 Animal
211.485 Animal Pathological Waste

211.490 Annual Grain Through-Put
211.495 Anti-Glare/Safety Coating

211.510 Application Area
211.530 Architectural Coating

211.550 As Applied
211.560 As-Applied Fountain Solution

211.570 Asphalt

POLLUTION CONTROL BOARD

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211.590 Asphalt Prime Coat

211.610 Automobile

211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant

211.650 Automobile or Light-Duty Truck Refinishing

211.660 Automotive/Transportation Plastic Parts

211.670 Baked Coatings

211.680 Bakery Oven

211.685 Basecoat/Clearcoat System

211.690 Batch Loading

211.695 Batch Operation

211.696 Batch Process Train

211.710 Bead-Dipping

211.730 Binders

211.750 British Thermal Unit

211.770 Brush or Wipe Coating

211.790 Bulk Gasoline Plant

211.810 Bulk Gasoline Terminal

211.820 Business Machine Plastic Parts

211.830 Can Coating

211.850 Can Coating Line

211.870 Capture Device

211.910 Capture Efficiency

211.930 Capture System

211.950 Cement

211.955 Cement Kiln

211.960 Certified Investigation

211.970 Chemical Manufacturing Process Unit

211.980 Choke Loading

211.990 Clean Air Act

211.1010 Cleaning and Separating Operation

211.1050 Cleaning Materials

211.1070 Clear Coating

211.1090 Clear Topcoat

211.1110 Clinker

211.1120 Closed Purge System

211.1130 Closed Vent System

211.1150 Coal Refuse

211.1170 Coating

211.1190 Coating Applicator

211.1210 Coating Line

211.1230 Coating Plant

211.1250 Coil Coating

211.1270 Coil Coating Line

211.1290 Cold Cleaning

211.1310 Complete Combustion

211.1330

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Component	Frequency (EMI/RFI)	Shielding
211.1350 Concrete Curing Compounds		
211.1370 Concentrated Nitric Acid Manufacturing Process		
211.1390 Condensate		
211.1410 Condensable PW-10		
211.1430 Continuous Automatic Stoking		
211.1465 Continuous Coater		
211.1467 Continuous Process		
211.1470 Continuous Process		
211.1490 Control Device		
211.1510 Control Device Efficiency		
211.1520 Conventional Air Spray		
211.1530 Conventional Soybean Crushing Source		
211.1550 ConveyORIZED Degreasing		
211.1570 Crude Oil		
211.1590 Crude Oil Gathering		
211.1610 Crushing		
211.1630 Custody Transfer		
211.1650 Outback Asphalt		
211.1670 Daily-Weighted Average VOM Content		
211.1690 Day		
211.1710 Degreaser		
211.1730 Delivery Vessel		
211.1750 Dip Coating		
211.1770 Distillate Fuel Oil		
211.1780 Distillation Unit		
211.1790 Drum		
211.1810 Dry Cleaning Operation or Dry Cleaning Facility		
211.1830 Dump-Pit Area		
211.1850 Effluent Grate Area		
211.1870 Effluent Water Separator		
211.1875 Elastomeric Materials		
211.1880 Electromagnetic Interference/Radio Frequency (EMI/RFI)		
211.1885 Electronic Component		
211.1890 Electrostatic Bell or Disc Spray		
211.1900 Electrostatic Prep Coat		
211.1910 Electrostatic Spray		
211.1920 Emergency or Standby Unit		
211.1930 Emission Rate		
211.1950 Emission Unit		
211.1970 Enamel		
211.1990 Enclose		
211.2010 End Sealing Compound Coat		
211.2030 Enhanced Under-the-Cup Fill		
211.2050 Ethanol Blend Gasoline		
211.2070 Excess Air		
211.2090 Excessive Release		
211.2110 Existing Grain-Drying Operation (Repealed)		

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Component	Frequency (EMI/RFI)	Shielding
211.2130 Existing Grain-Handling Operation (Repealed)		
211.2150 Exterior Base Coat		
211.2170 Exterior End Coat		
211.2190 External Floating Roof		
211.2210 Extreme Performance Coating		
211.2230 Fabric Coating		
211.2250 Fabric Coating Line		
211.2270 Federally Enforceable Limitations and Conditions		
211.2285 Feed Mill		
211.2290 Fermentation Time		
211.2300 Fill		
211.2310 Final Repair Coat		
211.2330 Firebox		
211.2350 Fixed-Roof Tank		
211.2360 Flexible Coating		
211.2365 Flexible Operating Unit		
211.2370 Flexographic Printing		
211.2390 Flexographic Printing Line		
211.2410 Floating Roof		
211.2430 Fountain Solution		
211.2450 Freeboard Height		
211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source		
211.2490 Fugitive Particulate Matter		
211.2510 Full Operating Flowrate		
211.2530 Gas Service		
211.2550 Gas/Gas Method		
211.2570 Gasoline		
211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility		
211.2610 Gel Coat		
211.2630 Gloss Reducers		
211.2650 Grain		
211.2670 Grain-Drying Operation		
211.2690 Grain-Handling and Conditioning Operation		
211.2710 Grain-Handling Operation		
211.2730 Green-Tire Spraying		
211.2750 Green Tires		
211.2770 Gross Heating Value		
211.2790 Gross Vehicle Weight Rating		
211.2810 Heated Airless Spray		
211.2830 Heatset		
211.2850 Heatset Web Offset Lithographic Printing Line		
211.2870 Heavy Liquid		
211.2890 Heavy Metals		
211.2910 Heavy Off-Highway Vehicle Products		
211.2930 Heavy Off-Highway Vehicle Products Coating		
211.2950 Heavy Off-Highway Vehicle Products Coating Line		
211.2970 High Temperature Aluminum Coating		
211.2990 High Volume Low Pressure (HVLP) Spray		

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

211.3010 Hood
211.3030 Hot Well
211.3050 Housekeeping Practices
211.3070 Incinerator
211.3090 Indirect Heat Transfer
211.3110 Tank
211.3130 In-Process Tank
211.3150 In-Situ Sampling Systems
211.3170 Interior Body Spray Coat
211.3190 Internal-Floating Roof
211.3210 Internal Transferring Area
211.3230 Lacquers
211.3250 Large Appliance
211.3270 Large Appliance Coating
211.3290 Large Appliance Coating Line
211.3310 Light Liquid
211.3330 Light-Duty Truck
211.3350 Light Oil
211.3370 Liquid/Gas Method
211.3390 Liquid-Mounted Seal
211.3410 Liquid Service
211.3430 Liquids Dripping
211.3450 Lithographic Printing Line
211.3470 Load-Out Area
211.3480 Loading Event
211.3483 Long Dry Kiln
211.3485 Long Wet Kiln
211.3487 Low-NOx Burner
211.3490 Low Solvent Coating
211.3500 Lubricating Oil
211.3510 Magnet Wire
211.3530 Magnet Wire Coating
211.3550 Magnet Wire Coating Line
211.3570 Major Dump Pit
211.3590 Major Metropolitan Area (MMA)
211.3610 Major Population Area (MPA)
211.3620 Manually Operated Equipment
211.3630 Manufacturing Process
211.3650 Marine Terminal
211.3670 Marine Vessel
211.3670 Material Recovery Section
211.3690 Maximum Theoretical Emissions
211.3695 Maximum True Vapor Pressure
211.3710 Metal Furniture
211.3730 Metal Furniture Coating
211.3750 Metal Furniture Coating Line
211.3770 Metallic Shoe-Type Seal
211.3780 Mid-Kiln Firing

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211.3790 Miscellaneous Fabricated Product Manufacturing Process
211.3810 Miscellaneous Formulation Manufacturing Process
211.3830 Miscellaneous Metal Parts and Products
211.3850 Miscellaneous Metal Parts and Products Coating
211.3870 Miscellaneous Metal Parts or Products Coating Line
211.3890 Miscellaneous Organic Chemical Manufacturing Process
211.3910 Mixing Operation
211.3915 Mobile Equipment
211.3930 Monitor
211.3950 Monomer
211.3960 Motor Vehicles
211.3965 Motor Vehicle Refinishing
211.3970 Multiple Package Coating
211.3990 New Grain-Drying Operation (Repealed)
211.4010 New Grain-Handling Operation (Repealed)
211.4030 No Detectable Volatile Organic Material Emissions
211.4050 Non-Contact Process Water Cooling Tower
211.4055 Non-Flexible Coating
211.4065 Non-Heatset
211.4070 Offset
211.4090 One Hundred Percent Acid
211.4110 One-Turn Storage Space
211.4130 Opacity
211.4150 Opaque Stains
211.4170 Open Top Vapor Degreasing
211.4190 Open-Ended Valve
211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230 Organic Compound
211.4250 Organic Material and Organic Materials
211.4260 Organic Solvent
211.4270 Organic Vapor
211.4290 Oven
211.4310 Overall Control
211.4330 Overvarnish
211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370 Owner or Operator
211.4390 Packaging Rotogravure Printing
211.4410 Packaging Rotogravure Printing Line
211.4430 Pail
211.4470 Paint Manufacturing Source or Paint Manufacturing Plant
211.4490 Paper Coating
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4550 Person
211.4590 Petroleum

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211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Resin
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)

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211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Ped
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather

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211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Stripplable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service

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211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating Line
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Washoff Operations
211.7200	Wastewater (Oil/Water) Separator
211.7210	Weak Nitric Acid Manufacturing Process
211.7230	Web
211.7250	Wholesale Purchase - Consumer
211.7270	Wood Furniture
211.7290	Wood Furniture Coating
211.7310	Wood Furniture Coating Line
211.7330	Woodworking
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991;

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amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 7641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6488, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 4, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-11 at 24 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART B: DEFINITIONS

Section 211.955 Cement

"Cement" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a hydraulic cement produced by pulverizing clinker consisting primarily of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 211.960 Cement Kiln

"Cement kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a system including any solid, gaseous or liquid fuel combustion equipment, used to preheat, calcine and react with raw materials, including limestone and clay, to produce cement clinker.

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(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 211.1120 Clinker

"Clinker" means the product of a cement kiln from which finished cement is manufactured by milling and grinding.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 211.3483 Long Dry Kiln

"Long dry kiln" means a kiln 14 feet or larger in outside diameter, 400 feet or larger in length, which employs no preheating of the feed in the cyclone chambers, and the inlet feed to the kiln is dry.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 211.3485 Long Wet Kiln

"Long wet kiln" means a kiln 14 feet or larger in outside diameter, 400 feet or greater in length, which employs no preheating of the feed in the cyclone chambers, and the inlet feed to the kiln is a slurry.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 211.3487 Low-NOx Burner

"Low-NOx burner" means for the purpose of 35 Ill. Adm. Code 217, Subpart T, a type of cement kiln burner system designed to lower NOx formation by controlling flame turbulence, delaying fuel/air mixing and establishing fuel-rich zones for initial combustng, which for firing of solid fuel by a kiln's main burner includes an indirect firing system or comparable technique for the main burner to lower the amount of primary combustion air supplied with the pulverized fuel. In an indirect firing system, one air stream is used to supply pulverized fuel from the grinding equipment and another air stream is used to supply primary combustion air to the kiln burner with the pulverized fuel, with intermediate storage of the fuel. In contrast, in a direct firing system, the air stream used to convey pulverized coal is then directly used as primary combustion air without any intermediate storage of fuel, resulting in more primary combustion air than with an indirect system.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

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Section 211.3780 Mid-Kiln Firing

"Mid-kiln firing" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a secondary firing in a kiln system by injecting fuel at an intermediate point in the kiln system using a specially designed fuel injection mechanism for the purposes of decreasing NOx emissions through burning part of the fuel at a lower temperature, and reducing conditions at the fuel injection point that may destroy some of the NOx formed upstream in the kiln system.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 211.5015 Preheater Kiln

"preheater kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a kiln where the feed to the kiln is preheated in cyclone chambers prior to the final reactions in a kiln which forms clinker.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 211.5020 Preheater/Precalciner Kiln

"preheater/precalciner kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a kiln where the feed to the kiln is preheated in cyclone chambers and utilizes a second burner to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln which forms clinker.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Nitrogen Oxides Emissions2) Code Citation: 35 Ill. Adm. Code 2173) Section Numbers: Proposed Action:

217.104	Amend
217.600	New
217.602	New
217.604	New
217.606	New
217.608	New
217.610	New

4) Statutory Authority: Implementing Sections 5/9, 9.1, 9.9, 10, 27 and 28.5 of the Illinois Environmental Protection Act and authorized by Sections 27 and 28.5 (415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28).5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's opinion and order of August 24, 2000, R01-11, available from the address in item 11 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency under the fast-track rulemaking provision of Section 28.5 of the Environmental Protection Act.

These amendments are proposed to control the emissions of nitrogen oxides (NOx) from large cement kilns during the period May 1 through September 30 of each year, beginning in 2003. The proposed amendments are intended to meet the State of Illinois' obligation under the Clean Air Act, 42 USC 7401 et seq. (CAA) to submit a State Implementation Plan (SIP) that addresses the requirements of the so-called NOx SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998), by obtaining a 30 percent decrease from uncontrolled levels for the larger, non-trading sources included in the NOx SIP Call's budget calculation. Included in this proposal are a new Subpart T "Cement Kilns", 35 Ill. Adm. Code 217-Subpart T, and conforming amendments to existing rules in Parts 217 and 211. Proposed amendments to Part 211 also appear in today's *Illinois Register*.

6) Will these proposed amendments replace an emergency amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? Yes9) Are there any other proposed amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
217.100	Amend	24 Ill. Reg. 11493

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217-101	Amend	24 Ill. Reg. 11493
217-102	Amend	24 Ill. Reg. 11493
217-104	Amend	24 Ill. Reg. 11493
217-750	New	24 Ill. Reg. 11493
217-752	New	24 Ill. Reg. 11493
217-754	New	24 Ill. Reg. 11493
217-756	New	24 Ill. Reg. 11493
217-758	New	24 Ill. Reg. 11493
217-760	New	24 Ill. Reg. 11493
217-762	New	24 Ill. Reg. 11493
217-764	New	24 Ill. Reg. 11493
217-766	New	24 Ill. Reg. 11493
217-768	New	24 Ill. Reg. 11493
217-770	New	24 Ill. Reg. 11493
217-772	New	24 Ill. Reg. 11493
217-774	New	24 Ill. Reg. 11493
217-776	New	24 Ill. Reg. 11493
217-778	New	24 Ill. Reg. 11493
217-780	New	24 Ill. Reg. 11493
217-782	New	24 Ill. Reg. 11493
APPENDIX D	New	24 Ill. Reg. 11493
APPENDIX F	New	24 Ill. Reg. 11493

10) Statement of Statewide Policy Objectives: The proposed amendments are brought under the authority of Sections 5/9.9, 27, and 28.5 of the Illinois Environmental Protection Act. The amendments proposed by the Pollution Control Board (Board) are required to be adopted by the State under Clean Air Act Sections 110(a), 172(b), 182(b)(1)(A), 182(c)(2)(A), and 182(g)(1). 42 USC Sections 7401(a), 7502(b), 7511a(b)(1)(A), 7511a(c)(2)(A), and 7511a(g)(1). These amendments will become part of the State Implementation Plan (SIP) to be submitted to the United States Environmental Protection Agency for approval, as follows: as part of the attainment demonstrations for the Metro-East/St. Louis ozone nonattainment area and the Chicago ozone nonattainment area; to satisfy a portion of the requirements of the so-called NOX SIP Call, 63 Fed. Reg. 57356 (Oct. 27, 1998); and to meet the requirements of Section 9.9 of the Act by implementing the federal NOx Trading Program for large cement kilns.

These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (1998)] only for those local governments (if any) that own or operate large cement kilns with NOx emissions greater than one ton per day.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-11 and be addressed to:

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Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago IL 60601

Questions may be addressed to Joel Sternstein, at 312-814-3665 or sternetj@ipcb.state.il.us.

The Board will also accept comment at hearings scheduled for the following dates:

October 3, 2000, at 11:00 a.m.
Illinois Pollution Control Board Conference Room
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

November 3, 2000, at 10:00 a.m.
Illinois Pollution Control Board Conference Room
600 S. 2nd Street, Fourth Floor
Springfield, Illinois 62704

November 15, 2000, at 11:00 a.m. (if necessary)
James R. Thompson Center
Illinois Pollution Control Board Conference Room
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Please request copies of the Board's opinion and order in Docket R01-11 from Patricia Jones, at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Only those small businesses, small municipalities and not-for-profit corporations that own or operate large cement kilns with NOx emissions greater than one ton per day would be affected. The additional requirements are identical to those mandated by federal law.

B) Reporting, Bookkeeping or other procedures required for compliance: The proposed amendments require the owner or operator of a unit subject to the rule to submit an initial compliance certification to the Agency. The certification must contain: the identity and type of kiln, the name and address of the plant where the kiln is located, and

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the name and telephone number of the person responsible for demonstrating compliance with this Subpart; a demonstration that the kiln is in compliance with Section 217.602; and identification of the provision it is in compliance with along with a summary of the approved compliance method; if operating a low-NOx burner or mid-kiln firing system to demonstrate compliance, a list of appropriate maintenance and a schedule for that maintenance; the date on which the permit containing the reduction plan or SIP revision was included as federally enforceable conditions in a permit for the kiln if utilizing Section 217.602(a)(3)(C) or 217.602(a)(5) to demonstrate compliance; and the date of issuance and the identification of the permit authorizing participation in the NOx trading program if utilizing Section 217.602(a)(6) to demonstrate compliance. Furthermore, beginning in 2003, owners or operators complying with this Subpart pursuant to Section 217.602(a)(1), (a)(2), (a)(3), (a)(4) or (a)(5) must report the total NOx emissions during the control period of each kiln to the Agency if it operated during that period. This report must be submitted to the Agency by December 31 of each year.

Also, the owner or operator is required to keep for at least three years and produce at the Agency's request certain documents which include, but are not limited to: emissions of NOx from each kiln subject to this proposal; the date, time, and duration of any startup, shutdown, or malfunction in the operation of any cement kiln or emissions monitoring equipment, including a description of the malfunction and maintenance if applicable; required performance testing; if utilizing a low-NOx burner or mid-kiln firing system, the date, time, and duration of any regularly scheduled maintenance and a description of that maintenance; tons of clinker produced in each cement kiln per day; and the monitoring records required by proposed Section 217.606.

The owner or operator is also required to complete a monitoring plan and get approval of the plan from the Agency. The plan must identify the operating conditions to be monitored and the records to be maintained. Specifically the plan must include: the correlation between operating conditions and NOx emission rates; the data and information used to identify the correlation; how the operating conditions will be monitored; the quality assurance procedures used to ensure that the data from the operating conditions is accurate; the type and format of the records on the operating conditions. For a low-NOx burner or mid-kiln firing system, the plan need only include parameters in the manufacturer's specifications and the Agency's recommendations. For an owner or operator that monitors NOx with a continuous emissions monitoring system, the plan submitted to the Agency must comply with 40 CFR 60.13 and Method 7E in Appendix A at 40 CFR 60.

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- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing State and federal air pollution control regulations applicable to affected sources will be required. These may include services of a consulting engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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217.604 Testing
217.606 Monitoring
217.608 Reporting
217.610 Recordkeeping

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table
APPENDIX C Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/10 and 27).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, 871-23, 4 PCB 151, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, P. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-11 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) The phenol disulfonic acid method, as published in 40 CFR 60, Appendix A 36-Fed-Reg-157780, Method 7- (1999);
 - b) Alternative Control Techniques Document--- NOX Emissions from Cement Manufacturing, EPA-453/R94-004, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, March 1994;
 - c) Section 11.6, Portland Cement Manufacturing, AP-42 Compilation of Air Emission Factors, Volume 1: Stationary Point Area Sources, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, revised January 1995;
 - d) 40 CFR Sec. 60.13 (1999); and
 - e) 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, and 7E (1999).
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART W: CEMENT KILNS

Section 217.600 Applicability

The requirements of this Subpart shall apply to the types of cement kilns listed below with process rates in tons per hour (TPH) of clinker produced that are greater than or equal to the following:

- a) Long dry kilns -- 12 TPH;

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 217
NITROGEN OXIDES EMISSIONS

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- b) Long wet kilns -- 10 TPH;
 c) Preheater kilns -- 16 TPH, and
 d) Preheater/precalciner kilns -- 22 TPH.
 (Source: Added at 24 Ill. Reg. _____, effective _____)

Section 217.602 Control Requirements

- a) After April 30, 2003, an owner or operator of any cement kiln subject to the requirements of this Subpart shall not operate the kiln during the control period or any subsequent control period, unless the owner or operator complies with either subsection (a)(1), (a)(2), (a)(3), (a)(5) or (a)(6) of this Section for kilns which commenced operation prior to January 1, 1996, or either subsection (a)(4) or (a)(6) of this Section for kilns which commenced operation on or after January 1, 1996.
- 1) The kiln is operated with a low-NOx burner or a mid-kiln firing system;
- 2) The kiln shall not exceed the applicable NOx emission limitation in pounds per ton of clinker (lb/T), expressed in the rates listed below:
- Long dry kilns -- 5.1 lb NOx/T of clinker;
 - Long wet kilns -- 6.0 lb NOx/T of clinker;
 - Preheater kilns -- 3.8 lb NOx/T of clinker; or
 - Preheater/precalciner kilns -- 2.8 lb NOx/T of clinker.
- 3) The kiln achieves a 30 percent or greater reduction from its uncontrolled baseline, established as set forth in this subsection (a)(3), and complying with the following:
- A) Uncontrolled baseline emissions shall be determined using the following equation:

$$UBE = \frac{(EF \times SFR)}{2000 \text{ lbs NOx/T}}$$

Where:

UBE = Uncontrolled Baseline NOx emissions expressed in tons of NOx per control period;

EF = Emissions factor, expressed in lbs of NOx per ton of clinker produced per control period, based on one of the methods in subsection (a)(3)(B) of this Section; and

SFR = Seasonal production rate, expressed in tons of clinker produced per control period, using the average of the two highest control period operating

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rates from the previous three-year period at the time the application for the permit with federally enforceable conditions is submitted to the Agency pursuant to subsection (a)(3)(C) of this Section.

- B) Emissions factors shall be determined using one of the following methods:
- The average of the emission factors for the type of kiln from the Compilation of Air Pollutant Emission Factors (AP-42) and the Alternative Control Techniques Document -- NOx Emissions from Cement Manufacturing, as incorporated by reference in Section 217.104 of this Part;
 - The site-specific emission factor developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to approval by the Agency, and must certify that the emissions testing is being conducted under representative conditions; or
 - Any alternate method for establishing the emissions factors, when submitted with supporting data to substantiate such emissions factors and approved by the Agency as set forth in subsection (a)(3)(C) of this Section.
- C) The owner or operator must submit an emission reduction plan to the Agency and obtain approval of that plan by the Agency. Such plan shall be effective only when contained as federally enforceable conditions in a permit. Such plan shall include any alternate procedures for monitoring, testing, reporting, or recordkeeping approved by the Agency, or other provisions as appropriate.
- 4) Any kiln subject to this Subpart that commenced operation on or after January 1, 1996, must meet the more stringent of the requirements of this Subpart or other CAA requirements, or rules promulgated thereunder, applicable to kilns. If a kiln is required to comply with a more stringent requirement pursuant to the CAA, and chooses to do so in lieu of complying with this Subpart, the owner or operator must submit an emissions reduction plan that demonstrates that compliance with the CAA requirement results in emissions reductions that are equal to or exceed the requirements of this Section and obtain a permit containing federally enforceable conditions addressing such CAA requirement. The owner or operator obtains an alternate emissions standard for operating the kiln pursuant to Section 28.1 of the Act (415 ILCS

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5/28.11), and in accordance with 35 Ill. Adm. Code 106, Subpart G, provisions for adjusted standards. An adjusted standard or alternate emissions standard with an alternate compliance schedule shall be granted by the Board to the extent consistent with federal law. Such alternate shall be effective only when included as a federally enforceable condition in a permit approved by USEPA or approved as a SIP revision. The adjusted standard shall include any alternate procedures for control, compliance, monitoring, operation, testing, reporting, or recordkeeping that are appropriate. In addition, the owner or operator must demonstrate, as justification for the adjusted standard, that the control requirements contained in this Subpart, as they apply to cement kilns, meet one or more of the following criteria:

- A) Unreasonable cost of control resulting from plant, area, location or basic process design;
- B) Physical impossibility of installing necessary control equipment; or
- C) Other factors specific to the cement kiln that support an alternate emissions standard.

6) The owner or operator obtains approval by the Agency and USEPA to allow the kiln to participate in the federal NOX Trading Program. Such participation will be effective upon issuance of a permit containing all necessary federally enforceable permit conditions addressing the kiln's participation in the federal NOX Trading Program pursuant to 40 CFR 96 and Subpart W of 35 Ill. Adm. Code Part 217, NOX Trading Program for Electrical Generating Units. Sections 217.750 et seq. The owner or operator is not subject to the requirements of this Subpart for the duration of its participation in the NOX Trading Program, except for the requirement to submit the initial compliance report pursuant to Section 217.608(a) of this Subpart.

b) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NOX SIP call [63 Fed. Reg. 57,355 (October 27, 1998)] that are located in Region V or that are contiguous to Illinois have adopted regulations to implement NOX Trading Programs and other required reductions of NOX emissions pursuant to the NOX SIP call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final SIP for ozone promulgated by USEPA is effective for such other states. [415 ICS 5/9-9(f)]

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 217.604 Testing

- a) Any owner or operator of a kiln that commenced operation prior to May 1, 2002, and using a low-NOX burner or mid-kiln firing system to demonstrate compliance pursuant to Section 217.602(a)(1) of this Subpart must maintain and operate the device according to the manufacturer's specifications as approved by the Agency.
- b) Any owner or operator of a kiln that commenced operation prior to May 1, 2002, and demonstrating compliance pursuant to Section 217.602(a)(2), (a)(3)(C), or (a)(5) of this Subpart must complete an initial performance test between May 1, 2002, and April 30, 2003, and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the requirements of 40 CFR 60, Appendix A, Methods 1, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, or such alternate test method that has been approved by the Agency pursuant to Section 217.602(a)(3)(C) of this Subpart or the Board pursuant to Section 217.602(a)(5) of this Subpart.
- c) The owner or operator of a kiln that commences operation on or after May 1, 2002, must complete, as appropriate, an initial performance test within one year of initial startup and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the test methods listed in subsection (b) of this Section.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 217.606 Monitoring

- a) The owner or operator of a kiln subject to this Subpart must submit a complete monitoring plan addressing the applicable requirements of subsection (b) of this Section to the Agency and obtain approval of such plan by the Agency. The monitoring plan shall identify the operating conditions to be monitored and the records to be maintained under Section 217.610 of this Subpart. For any kiln that commences operation on or before August 1, 2002, such plan shall be submitted on or before August 1, 2002. For any other kiln subject to this Subpart, such plan shall be submitted with the construction permit application for such kiln. Such plan will be effective only when included as a federally enforceable condition in a permit issued by the Agency.
- b) The plan must:
 - 1) Identify the specific operating conditions to be monitored and the correlation between the operating conditions and NOX emission rates;
 - 2) Include the data and information that the owner or operator used to identify the correlation between NOX emission rates and these operating conditions;

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- 3) Identify how the owner or operator will monitor these operating conditions on an hourly or other basis, as approved by the Agency, the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate, and the type and format of the records of these operating conditions that will be maintained by the owner or operator under Section 217.610 of this Subpart;
- 4) If operating a low-NOx burner or mid-kiln firing system, the plan must include only monitoring the parameters indicated in the manufacturer's specifications and recommendations for the low-NOx burner or mid-kiln firing system as approved by the Agency; and
- 5) Notwithstanding the requirements of subsections (b)(1) and (b)(2) of this subsection requiring the monitoring of operating parameters, if the owner or operator elects to monitor NOx emissions using a continuous emissions monitoring system (CEMS), the owner or operator must submit a monitoring plan subject to approval by the Agency which contains the applicable provisions of 40 CFR Sec. 60.13 and of Method 7E in Appendix A contained in 40 CFR part 60, as incorporated by reference in Section 217.104 of this Part, and additional provisions regarding accuracy, data capture, and monitoring frequency.
- c) The owner or operator must monitor the operating parameters of the emission unit and predict NOx emission rates in accordance with the plan specified in the applicable operating permit.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 217.608 Reporting

- a) By May 1, 2003, or within one year of initial startup, whichever occurs later, the owner or operator of a kiln subject to the requirements of this Subpart must submit to the Agency an initial compliance certification for each kiln subject to the requirements of Section 217.602 of this Subpart. This certification must contain the following information as applicable:
- 1) The identity and type of each kiln subject to this Subpart, the name and address of the plant where the kiln is located, and the name and telephone number of the person responsible for demonstrating compliance with this Subpart;
- 2) A demonstration that each kiln is in compliance with Section 217.602 of this Subpart, identifies the provision with which it is complying and is accompanied by a summary of the approved compliance method, e.g., performance test for the kiln and other supporting data being relied upon by the owner or operator;
- 3) If demonstrating compliance by use of a low-NOx burner or mid-kiln firing system pursuant to Section 217.602(a)(1) of this

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- Subpart, a copy of the manufacturer's recommended maintenance and schedule for maintenance as approved by the Agency;
- 4) If demonstrating compliance pursuant to Section 217.602(a)(3)(C) or (a)(5) of this Subpart, the date on which the permit containing the emission reduction plan or SIP revision was received as federally enforceable conditions; and
- 5) If demonstrating compliance pursuant to Section 217.602(a)(6) of this Subpart, the date of issuance and the identification of the permit authorizing, through federally enforceable conditions, participation in the federal NOx trading program.
- b) Beginning in 2003, by December 31 of each year, owners and operators complying with this Subpart pursuant to Section 217.602(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), must, as a seasonal component of its annual emission report pursuant to 35 Ill. Adm. Code 254, report the total NOx emissions of each subject kiln during the control period of each year to the Agency, if the kiln operated during this period.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 217.610 Recordkeeping

- a) Any owner or operator of a cement kiln subject to this Subpart must produce and maintain records that include, but are not limited to:
- 1) Emissions in pounds of NOx per ton of clinker produced from each kiln subject to the requirements of Section 217.602(a)(2), (a)(3)(C) or (a)(5) of this Subpart;
- 2) The date, time, and duration of any startup, shutdown, or malfunction in the operation of any cement kiln subject to this Subpart or any emissions monitoring equipment. The records shall include a description of the malfunction and maintenance activity;
- 3) If operating a low-NOx burner or mid-kiln firing system, the date, time and duration of any regularly scheduled maintenance, with a description of the activity, and tons of clinker produced from each kiln;
- 4) The results of any required performance testing;
- 5) Daily cement kiln clinker production in tons per day; and
- 6) The records of monitoring required by Section 217.606 of this Subpart.
- b) All records required to be produced or maintained shall be retained on site for a minimum of three years and be made available to the Agency upon request.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: The Illinois Formulary for the Drug Product Selection Program

- 2) Code Citation: 77 Ill. Adm. Code 790

- 3) Section Numbers:
790.40 Proposed Action:
Amendment

- 4) Statutory Authority: Authorized by and implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/3.14] and the Pharmacy Practice Act of 1987 [225 ILCS 85/25].

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-766, amending both the Illinois Food, Drug and Cosmetic Act and the Pharmacy Practice Act of 1987, was signed by the governor on June 9, 2000. The legislation revises the manner in which new FDA-approved generic drugs are to be considered for listing in the Illinois Formulary for the Drug Product Selection Program, effective September 1, 2000. The amendatory Act also provides an immediate effective date for the provision of these rulemaking activities.

Manufacturers of generic drug products approved for marketing by the FDA on or after September 1, 2000 shall submit bioequivalency information to the Department at least 60 days in advance of the products' substitution in Illinois. During the 60 day period, the Technical Advisory Council will determine whether a generic drug product has issues related to the practice of medicine or the practice of pharmacy.

If the Council determines that a generic drug product has issues related to the practice of medicine or the practice of pharmacy, then the Council shall hold a hearing at its next regularly scheduled meeting. After receipt of the Council's recommendation, the Director may approve or prohibit the drug product's inclusion in the Illinois Formulary for the Drug Product Selection Program.

- 6) Will this Rulemaking Replace an Emergency Rulemaking currently in Effect?
No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this

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- Rulemaking: Interested persons may present their comments, within 45 days after this issue of the *Illinois Register*, by writing to:

Paul Thompson, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761-0001
(217)782-2043
(e-mail: rules@idph.state.il.us)

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses: Small Municipalities, and Not-For-Profit Corporations Affected: Pharmacies, physicians, and small generic pharmaceutical manufacturers.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Drug manufacturers must submit copies of testimony and data upon which comment or reference may be made and the drug product's technical bioequivalence and therapeutic equivalence information to the Technical Advisory Council.

C) Types of Professional Skills Necessary for Compliance: Preparation of bioequivalence data.

- 13) Date of regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the proposed amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790

THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section 790.20 790.40	Introduction Consideration of Drug Products for Inclusion in the Illinois Formulary
790.60	Additional Criteria
790.80	Quality Listing
790.100	Generic Drug Entity Headings
790.120	Comments and Specific Administration
790.140	Requests for Additional Copies
790.160	Prescription Use of Drug Products
790.180	FDA Drug Product Approval and Recommendation
790.200	Availability of Drug Products; Pharmaceutical Equivalence
790.220	Single Source Drug Products Exclusion
790.240	Criteria for Exclusion of Drug Products
790.260	Inclusion of Controlled Substances
790.280	Equivalence of Products Requirements
790.300	Selection of Equivalent Drug Products
790.320	Transfer of Prescription Records

SUBPART B: APPROVED DRUG PRODUCTS FOR

DRUG PRODUCT SELECTION

Section 790.420	ACETAMINOPHEN; BUTALBUTAL (Repealed)
790.440	ACETAMINOPHEN; BUTALBUTAL; CAFFEINE (Repealed)
790.460	ACETAMINOPHEN; CAFFEINE; DIPHENOXIDE BITARTRATE (Repealed)
790.480	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.500	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.520	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.540	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.560	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.580	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.600	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.620	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.640	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.660	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.680	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.700	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.720	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.740	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.760	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)

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790.760	ALCOHOL; MORPHINE (Repealed)
790.780	ALLOPURINOL (Repealed)
790.788	AMANTADINE HYDROCHLORIDE (Repealed)
790.798	AMANTADINE HYDROCHLORIDE (Repealed)
790.799	AMANTADINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE (Repealed)
790.815	AMINOCAPROIC ACID (Repealed)
790.820	AMINOCAPROIC ACID (Repealed)
790.830	AMINOCAPROIC ACID (Repealed)
790.860	AMINOPHYLLINE (Repealed)
790.900	AMINOPHYLLINE HYDROCHLORIDE (Repealed)
790.905	AMINOPHYLLINE HYDROCHLORIDE; CHLORDIAZEPoxide (Repealed)
790.910	AMINOPHYLLINE HYDROCHLORIDE; PHENPHAZINE (Repealed)
790.920	AMOXICILLIN (Repealed)
790.940	AMOXICILLIN TRIHYDRATE (Repealed)
790.974	AMPHOTERICIN B (Repealed)
790.980	AMPHOTERICIN B (Repealed)
790.1020	AMPHOTERICIN B (Repealed)
790.1060	AMPHOTERICIN B (Repealed)
790.1107	AMPHOTERICIN B (Repealed)
790.1120	AMPHOTERICIN B (Repealed)
790.1125	AMPHOTERICIN B (Repealed)
790.1127	AMPHOTERICIN B (Repealed)
790.1129	AMPHOTERICIN B (Repealed)
790.1140	AMPHOTERICIN B (Repealed)
790.1180	AMPHOTERICIN B (Repealed)
790.1200	AMPHOTERICIN B (Repealed)
790.1220	AMPHOTERICIN B (Repealed)
790.1260	AMPHOTERICIN B (Repealed)
790.1300	AMPHOTERICIN B (Repealed)
790.1345	AMPHOTERICIN B (Repealed)
790.1350	AMPHOTERICIN B (Repealed)
790.1360	AMPHOTERICIN B (Repealed)
790.1380	AMPHOTERICIN B (Repealed)
790.1388	AMPHOTERICIN B (Repealed)
790.1390	AMPHOTERICIN B (Repealed)
790.1418	AMPHOTERICIN B (Repealed)
790.1420	AMPHOTERICIN B (Repealed)

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790.1423	ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE HYDROBROMIDE (Repealed)
790.1425	ATROPINE SULFATE; MPEPERIDINE HYDROCHLORIDE (Repealed)
790.1440	ACATHIOPRINE SODIUM (Repealed)
790.1460	BACITRACIN (Repealed)
790.1490	BACITRACIN ZINC; HYDROCORTISONE; NEDMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.1500	BACITRACIN ZINC; NEDMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.1540	BACITRACIN ZINC; POLYMYXIN B SULFATE (Repealed)
790.1560	BACLOFEN (Repealed)
790.1570	BENZOTRINE MESYLATE (Repealed)
790.1573	BEFRIDIL HYDROCHLORIDE (Repealed)
790.1577	BETAMETHASONE DIPROPIONATE (Repealed)
790.1580	BETAMETHASONE SODIUM PHOSPHATE (Repealed)
790.1620	BETAMETHASONE VALERATE (Repealed)
790.1660	BETHANECHOL CHLORIDE (Repealed)
790.1685	BRETYLIUM TOSYLATE (Repealed)
790.1686	BRETYLIUM TOSYLATE; DEXTROSE (Repealed)
790.1697	BROMODIPHENYLDAMINE HYDROCHLORIDE; CODEINE PHOSPHATE (Repealed)
790.1700	BROMPHENIRAMINE MALEATE (Repealed)
790.1706	BROMPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PHENYLPROPANOLAMINE HYDROCHLORIDE (Repealed)
790.1708	BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.1710	BROMPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE (Repealed)
790.1719	BUTYRACINE HYDROCHLORIDE (Repealed)
790.1723	BUTYRACINE HYDROCHLORIDE; EPINEPHRINE BITARTRATE (Repealed)
790.1740	BUTABESITAL SODIUM (Repealed)
790.1780	CAFFEINE; PARACETAMOL; PHENACETIN (Repealed)
790.1820	CAFFEINE; ERGOMETRINE BITARTRATE (Repealed)
790.1830	CALCIOTIN; SULAMON (Repealed)
790.1835	CALCIUM CHLORIDE; DEXTROSE; GLUTATHIONE DISULFIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE; SODIUM PHOSPHATE (Repealed)
790.1842	CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE (Repealed)
790.1846	CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)
790.1848	CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE (Repealed)
790.1856	CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)
790.1858	CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE (Repealed)
790.1860	CALCIUM GLUCONATE (Repealed)
790.1870	CALCIUM GUACONATE (Repealed)
790.1900	CANDICIDIN (Repealed)
790.1930	CARBAMAZEPINE (Repealed)

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790.1940	CARBENICILLIN DISODIUM (Repealed)
790.1950	CARBINOXAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.1960	CARINOXAMINE MALEATE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.1980	CARISOPRODOL (Repealed)
790.2020	CEFAZOLIN SODIUM (Repealed)
790.2060	CEFAZOLIN SODIUM (Repealed)
790.2084	CEFTAZIDIME (Repealed)
790.2092	CEFUROXIME SODIUM (Repealed)
790.2097	CEPHALEXIN (Repealed)
790.2100	CEPHALOTHIN SODIUM (Repealed)
790.2130	CEPHAPIRIN SODIUM (Repealed)
790.2140	CEPHRADINE/CEFRADINE DIHYDRATE (Repealed)
790.2155	CHLORAL HYDRATE (Repealed)
790.2180	CHLORAMPHENICOL (Repealed)
790.2220	CHLORAMPHENICOL SODIUM SUCCINATE (Repealed)
790.2260	CHLORDIAZEPoxide HYDROCHLORIDE (Repealed)
790.2300	CHLORMEZANONE (Repealed)
790.2340	CHLOROQUINE PHOSPHATE (Repealed)
790.2380	CHLOROTHIAZIDE (Repealed)
790.2390	CHLOROTHIAZIDE; METHYLDOPA (Repealed)
790.2420	CHLOROTRIANISENE (Repealed)
790.2460	CHLORPHENIRAMINE MALEATE (Repealed)
790.2462	CHLORPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.2465	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE; PHENYLPROPANOLAMINE HYDROCHLORIDE; PHENYTOLOXAMINE CITRATE (Repealed)
790.2470	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE (Repealed)
790.2485	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2500	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2510	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2510	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2550	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2580	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2583	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2595	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2603	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2605	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2613	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2614	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2617	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2618	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2620	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2645	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2645	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)
790.2655	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)

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790.2660	GLOXACILLIN SODIUM MONOHYDRATE (Repealed)	HYDROCHLORIDE
790.2661	CODINE PHOSPHATE; GUAIFENESIN; PSEUDOEPHEDRINE	
790.2662	CODINE PHOSPHATE; IODINATED GLYCEROL (Repealed)	
790.2663	CODINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE (Repealed)	
790.2668	CODINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE (Repealed)	
790.2672	CODINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDENE HYDROCHLORIDE (Repealed)	
790.2700	CORTICOTROPIN (Repealed)	
790.2740	CROTAMITON (Repealed)	
790.2780	CYCLOBENZOLAMINE (Repealed)	
790.2800	CYCLOACILLIN (Repealed)	
790.2805	CYCLOBENZAPRINE HYDROCHLORIDE (Repealed)	
790.2820	CYCLOPENTOLATE HYDROCHLORIDE (Repealed)	
790.2860	CYCLOPHOSPHAMIDE (Repealed)	
790.2900	CYPROHEPTADINE HYDROCHLORIDE (Repealed)	
790.2902	CYTARABINE (Repealed)	
790.2904	DACARBAZINE (Repealed)	
790.2908	DANAZOL (Repealed)	
790.2915	DAUNORUBICIN HYDROCHLORIDE (Repealed)	
790.2928	DESTRAMINE HYDROCHLORIDE (Repealed)	
790.2932	DESONIDE (Repealed)	
790.2940	DEXAMETHASONE (Repealed)	
790.2980	DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)	
790.3020	DEXAMETHASONE SODIUM PHOSPHATE (Repealed)	
790.3021	DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE (Repealed)	
790.3023	DECHLORPHENIRAMINE MALEATE (Repealed)	
790.3025	DEXTROMETHORPANE SULFATE (Repealed)	
790.3027	DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL (Repealed)	
790.3028	DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE (Repealed)	
790.3029	DEXTHROSE (Repealed)	
790.3030	DEXTHROSE; DOPAMINE HYDROCHLORIDE (Repealed)	
790.3031	DEXTHROSE; DOPAMINE SODIUM (Repealed)	
790.3032	DEXTHROSE; LIDOCAINE HYDROCHLORIDE (Repealed)	
790.3038	DEXTHROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE (Repealed)	
790.3042	DEXTHROSE; POTASSIUM CHLORIDE (Repealed)	
790.3048	DEXTHROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)	
790.3049	DEXTHROSE; SODIUM CHLORIDE (Repealed)	
790.3051	DEXTHROSE; THEOPHYLLINE (Repealed)	
790.3054	DIAZEPAM (Repealed)	
790.3056	DIAZOXIDE (Repealed)	
790.3060	DICLOXACILLIN SODIUM (Repealed)	
790.3065	DICYCLOMINE HYDROCHLORIDE (Repealed)	
790.3085	DINENESTROL (Repealed)	
790.3140	DIETHYLPROPION HYDROCHLORIDE (Repealed)	
790.3180	DIETHYLSTILBESTROL (Repealed)	

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790.3220	DIGOXIN (Repealed)	
790.3260	DIMENHYDRINATE (Repealed)	
790.3300	DIPHENHYDRAMINE HYDROCHLORIDE (Repealed)	
790.3308	DIPYRIDAMOLE (Repealed)	
790.3315	DISOPYRAMIDE PHOSPHATE (Repealed)	
790.3335	DOPAMINE HYDROCHLORIDE (Repealed)	
790.3340	DOXEPIN HYDROCHLORIDE (Repealed)	
790.3350	DOXORUBICIN HYDROCHLORIDE (Repealed)	
790.3380	DOXYCYCLINE (Repealed)	
790.3420	DOXYCYCLINE HYCLATE (Repealed)	
790.3425	DOXYLAMINE SUCCINATE (Repealed)	
790.3437	DROPERIDOL (Repealed)	
790.3440	DROPERIDOL; FENTANYL CITRATE (Repealed)	
790.3460	ECHTHOPHATE IODIDE (Repealed)	
790.3472	EDETATE DISODIUM (Repealed)	
790.3475	EDROPHONIUM CHLORIDE (Repealed)	
790.3480	EPINEPHRINE; HYDROXYZINE HYDROCHLORIDE; THEOPHYLLINE (Repealed)	
790.3488	EPINEPHRINE; HYDROXYZINE HYDROCHLORIDE (Repealed)	
790.3492	EPINEPHRINE; LIDOCAINE HYDROCHLORIDE (Repealed)	
790.3495	EPOFTIN ALPHA (Repealed)	
790.3500	ERGOCALCIFEROL (Repealed)	
790.3540	ERGOLOID MESYLATES (Repealed)	
790.3580	ERGOTAMINE TARTRATE (Repealed)	
790.3620	ERYTHROMYCIN (Repealed)	
790.3660	ERYTHROMYCIN ESTOLATE (Repealed)	
790.3700	ERYTHROMYCIN ETHYLSUCCINATE (Repealed)	
790.3720	ERYTHROMYCIN LACTOBIONATE (Repealed)	
790.3730	ERYTHROMYCIN LACTOBIONATE; SULFISOXAZOLE ACETYL (Repealed)	
790.3740	ERYTHROMYCIN STEARATE (Repealed)	
790.3742	ERYTHROMYCIN STEARATE (Repealed)	
790.3760	ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE (Repealed)	
790.3800	ESTRADIOL CYPIONATE; TESTOSTERONE ENANTHATE (Repealed)	
790.3820	ESTRADIOL VALERATE (Repealed)	
790.3840	ESTRADIOL; ETHINYL DIETHYLAMINE ESTRONE SULFATE (Repealed)	
790.3875	ETHACRYNOL (Repealed)	
790.3900	ETHACRYNOL; ETHINYL DIETHYLAMINE ESTRONE SULFATE (Repealed)	
790.3904	ETHINYL ESPRADIOL; NORBUTINDRONE (Repealed)	
790.3907	ETHINYL ESPRADIOL; NORBUTINDRONE (Repealed)	
790.3910	FENPROPION CALCIUM (Repealed)	
790.3914	FENTANYL CITRATE (Repealed)	
790.3920	FLOXURIDINE (Repealed)	
790.3940	FLUOCINOLONE ACETONIDE (Repealed)	
790.3945	FLUOCINOLONE (Repealed)	
790.3960	FLUOROURACIL (Repealed)	
790.3980	FLUOROURACIL (Repealed)	
790.3996	FLUPHENAZINE DECANOATE (Repealed)	
790.4012	FLUPHENAZINE HYDROCHLORIDE (Repealed)	
790.4020	FLURANDRENOLIDE (Repealed)	

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FLURAZEPAM HYDROCHLORIDE (Repealed)
 FOLIC ACID (Repealed)
 FUROSEMIDE (Repealed)
 GENTAMICIN (Repealed)
 GENTAMICIN SULFATE (Repealed)
 GENTAMICIN SULFATE; SODIUM CHLORIDE (Repealed)
 GLUCAGON HYDROCHLORIDE (Repealed)
 GLUTHETHIMIDE (Repealed)
 GLYCINE (Repealed)
 GLYCOPYRROLATE (Repealed)
 GONADOTROPIN CHORIONIC (Repealed)
 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
 GRISEOFULVIN MICROCRYSTALLINE (Repealed)
 GRISEOFULVIN ULTRAMICROCRYSTALLINE (Repealed)
 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOPHEDRINE HYDROCHLORIDE (Repealed)
 GUAIFENESIN; THEOPHYLLINE (Repealed)
 GUANETHIDINE MONOSULFATE (Repealed)
 HALOPERIDOL (Repealed)
 HALOPERIDOL LACTATE (Repealed)
 HEPARIN SODIUM (Repealed)
 HEPARIN SODIUM; SODIUM CHLORIDE (Repealed)
 HEXACHLOROPHENE (Repealed)
 HOMATROPINE HYDROBROMIDE (Repealed)
 HOMATROPINE METHYLBROMIDE (Repealed)
 HOMATROPINE METHYLBROMIDE; HYDROCODONE (Repealed)
 HYDRAZINE HYDROCHLORIDE; HYDROCODONE BITARTRATE (Repealed)
 HYDRAZINE HYDROCHLORIDE (Repealed)
 HYDROCHLOROTHIAZIDE (Repealed)
 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE (Repealed)
 HYDROCHLOROTHIAZIDE; LISINAPRIL (Repealed)
 HYDROCHLOROTHIAZIDE; METHYLDOPA (Repealed)
 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE (Repealed)
 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE (Repealed)
 HYDROCHLOROTHIAZIDE; TRIAMTERENE (Repealed)
 HYDROCODONE BITARTRATE; PHENYLPROFANOLAMINE HYDROCHLORIDE (Repealed)
 HYDROCODONE BITARTRATE; PSEUDOPHEDRINE HYDROCHLORIDE (Repealed)
 HYDROCORTISONE (Repealed)
 HYDROCORTISONE; NEOMICIN SULFATE; POLYMYXIN B SULFATE (Repealed)
 HYDROCORTISONE; POLYMYXIN B SULFATE (Repealed)
 HYDROCORTISONE SODIUM PHOSPHATE (Repealed)
 HYDROCORTISONE; UREA (Repealed)
 HYDROCORTISONE ACTATE (Repealed)
 HYDROCORTISONE ACTATE; NEOMICIN SULFATE (Repealed)
 HYDROCORTISONE ACTATE; PRAMOXINE HYDROCHLORIDE (Repealed)
 HYDROCORTISONE ACTATE; UREA (Repealed)
 HYDROCORTISONE BUTIRATE (Repealed)
 HYDROCORTISONE SODIUM SUCCINATE (Repealed)
 HYDROFLUMETHIAZIDE (Repealed)
 HYDROFLUMETHIAZIDE (Repealed)

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HYDROMORPHONE INJECTION (Repealed)
 HYDROXYCOBALAMIN (Repealed)
 HYDROXYPROGESTERONE CAPROATE (Repealed)
 HYDROXYZINE HYDROCHLORIDE (Repealed)
 HYDROXYZINE PAMOXATE (Repealed)
 IBUPROFEN (Repealed)
 IOXURIDINE (Repealed)
 IMIPRAMINE HYDROCHLORIDE (Repealed)
 INDOMETHACIN (Repealed)
 IODINATED GLYCEROL (Repealed)
 IRON DEXTRAN COMPLEX (Repealed)
 ISOTHERAN HYDROCHLORIDE (Repealed)
 ISONIAZID (Repealed)
 ISOPHORENOL HYDROCHLORIDE (Repealed)
 ISOSORBIDE DINITRATE (Repealed)
 KANAMYCIN SULFATE (Repealed)
 KETAMINE HYDROCHLORIDE (Repealed)
 LABETALOL HYDROCHLORIDE (Repealed)
 LACTULOSE (Repealed)
 LEUCOVORIN CALCIUM (Repealed)
 LEVOCARNITINE (Repealed)
 LEVONORDEFIN; MEPTIVICINE HYDROCHLORIDE (Repealed)
 LIDOCAINE (Repealed)
 LIDOCAINE HYDROCHLORIDE (Repealed)
 LINDANE (Repealed)
 LINCOMYCIN (Repealed)
 LIOTHYRONINE SODIUM (Repealed)
 LISINAPRIL (Repealed)
 LITHIUM CARBONATE (Repealed)
 LITHIUM CITRATE (Repealed)
 LOPEPHAMIDE (Repealed)
 LORAZEPAM (Repealed)
 LORAZEPAM SUCCINATE (Repealed)
 MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM GLUCONATE (Repealed)
 MANNITOL (Repealed)
 MAPROTILINE HYDROCHLORIDE (Repealed)
 MECLIZINE HYDROCHLORIDE (Repealed)
 MECLOFENAMATE SODIUM (Repealed)
 MEDROXYPROGESTERONE ACETATE (Repealed)
 MEFENAMIC ACID (Repealed)
 MEGESTROL ACETATE (Repealed)
 MENADIOL SODIUM PHOSPHATE (Repealed)
 MEPERIDINE HYDROCHLORIDE (Repealed)
 MEPTIVICINE HYDROCHLORIDE (Repealed)
 METPROBAMATE (Repealed)
 MESTRANOL; NORETHINDRONE (Repealed)
 METAPROTRENOL SULFATE (Repealed)

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790.5980 METAMINOL BITARTRATE (Repealed)
790.5992 METHADONE HYDROCHLORIDE (Repealed)
790.5996 METHAMPHETAMINE HYDROCHLORIDE (Repealed)
790.6020 METHIDILAZINE HYDROCHLORIDE (Repealed)
790.6060 METHANAMINE HIPPURATE (Repealed)
790.6100 METHICILLIN SODIUM (Repealed)
790.6140 METHOCARBAMOL (Repealed)
790.6180 METHOTREXATE SODIUM (Repealed)
790.6220 METHOSCOPOLAMINE BROMIDE (Repealed)
790.6260 METHYLOTHIAZIDE (Repealed)
790.6275 METHYLDOPA (Repealed)
790.6277 METHYLDOPA HYDROCHLORIDE (Repealed)
790.6280 METHYLPHENIDATE HYDROCHLORIDE (Repealed)
790.6284 METHYLPREDNISOLONE (Repealed)
790.6300 METHYLPREDNISOLONE SODIUM SUCCINATE (Repealed)
790.6340 METHYLTESTOSTERONE (Repealed)
790.6370 METICLOPRAMIDE HYDROCHLORIDE (Repealed)
790.6375 METOCURINE IODIDE (Repealed)
790.6380 METOLAZONE (Repealed)
790.6384 METOLAZONE HYDROCHLORIDE (Repealed)
790.6430 MINOCYCLINE (Repealed)
790.6435 MINOXIDIL (Repealed)
790.6445 MORPHINE SULFATE (Repealed)
790.6450 NAFCLILIN SODIUM (Repealed)
790.6452 NALBUPHINE HYDROCHLORIDE (Repealed)
790.6454 NALIDIXIC ACID (Repealed)
790.6456 NALOXONE HYDROCHLORIDE (Repealed)
790.6460 NALOXONE DECANOATE (Repealed)
790.6480 NANDROLONE PROPIONATE (Repealed)
790.6500 NAPHAZOLINE HYDROCHLORIDE (Repealed)
790.6505 NAPHAZOLINE HYDROCHLORIDE; PHENIRAMINE MALEATE (Repealed)
790.6540 NEOMYCIN SULFATE (Repealed)
790.6544 NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE (Repealed)
790.6580 NIFEDIPINE (Repealed)
790.6610 NITROFURANTOIN (Repealed)
790.6620 NITROFURANTOIN MACROCRYSTALS (Repealed)
790.6660 NITROFURAZONE (Repealed)
790.6670 NITROGLYCERIN INJECTION (Repealed)
790.6700 NORTHRUDONE ACETATE (Repealed)
790.6740 NORTHRITILINE HYDROCHLORIDE (Repealed)
790.6780 NYSTATIN (Repealed)
790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE (Repealed)
790.6820 ORPHENADRINE CITRATE (Repealed)
790.6860 OXACILIN SODIUM (Repealed)
790.6875 OXAZEPAM (Repealed)
790.6885 OXYRIPHILLINE (Repealed)

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790.6895 OXYBUTYRIN (Repealed)
790.6900 OXYPHENUTAZONE (Repealed)
790.6940 OXYTRACYCLINE HYDROCHLORIDE (Repealed)
790.6946 OXYTOCIN (Repealed)
790.6960 PANCURONIUM BROMIDE (Repealed)
790.6980 PENICILLIN G POTASSIUM (Repealed)
790.7020 PENICILLIN G PROCAINE (Repealed)
790.7060 PENICILLIN V SODIUM (Repealed)
790.7100 PENICILLIN V POTASSIUM (Repealed)
790.7120 PENTOBARBITAL SODIUM (Repealed)
790.7130 PERPHENAZINE (Repealed)
790.7140 PHENDIMETAZINE TARTRATE (Repealed)
790.7160 PHENOBARBITAL (Repealed)
790.7160 PHENTERMINE HYDROCHLORIDE (Repealed)
790.7180 PHENTERMINE RESIN COMPLEX (Repealed)
790.7181 PHENYLBUTAZONE (Repealed)
790.7220 PHENYLEPHRINE HYDROCHLORIDE (Repealed)
790.7221 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE (Repealed)
790.7223 PHENYTOIN SODIUM INJECTION (Repealed)
790.7259 PILOCARPINE HYDROCHLORIDE (Repealed)
790.7245 PIPERAZINE CITRATE (Repealed)
790.7260 PIPERAZINE (Repealed)
790.7263 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM BICARBONATE;
790.7265 SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS (Repealed)
790.7272 POLYVINYL ALCOHOL (Repealed)
790.7278 POTASSIUM BICARBONATE (Repealed)
790.7280 POTASSIUM CHLORIDE (Repealed)
790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)
790.7288 POTASSIUM GLUCONATE (Repealed)
790.7291 PRALIDOXIME CHLORIDE (Repealed)
790.7294 PRAZEPAM (Repealed)
790.7296 PRAZOSIN HYDROCHLORIDE (Repealed)
790.7300 PREDNISOLONE ACETATE (Repealed)
790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM (Repealed)
790.7380 PREDNISOLONE SODIUM PHOSPHATE (Repealed)
790.7400 PREDNISONE (Repealed)
790.7420 PRIMIDONE (Repealed)
790.7460 PROBENECID (Repealed)
790.7500 PROCAINAMIDE HYDROCHLORIDE (Repealed)
790.7510 PROCAINE HYDROCHLORIDE (Repealed)
790.7510 PROCHLORPERAZINE EDISYLATE (Repealed)
790.7580 PROCHLORPERAZINE MALEATE (Repealed)
790.7620 PROGESTERONE (Repealed)
790.7660 PROMAZINE HYDROCHLORIDE (Repealed)
790.7700 PROMETHAZINE HYDROCHLORIDE (Repealed)
790.7740 PROPANTHELINE BROMIDE (Repealed)
790.7780 PROPANCAINE HYDROCHLORIDE (Repealed)
790.7820 PROPOXYPHENE HYDROCHLORIDE (Repealed)

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790.7828 PROPRANOLOL HYDROCHLORIDE (Repealed)
790.7834 PROPANINE SULFATE (Repealed)
790.7860 PSEUDOPHEDRINE HYDROCHLORIDE; TRIPIROLIDINE HYDROCHLORIDE (Repealed)
790.7900 PRIDOSTIGMINE BROMIDE (Repealed)
790.7940 PRIDOXINE HYDROCHLORIDE (Repealed)
790.7980 PYRIDAMINE MALEATE (Repealed)
790.8015 QUINIDINE GLUCONATE (Repealed)
790.8020 QUINIDINE SULFATE (Repealed)
790.8030 QUININE SULFATE (Repealed)
790.8060 RESERPINE (Repealed)
790.8100 RIEMAFIN (Repealed)
790.8106 RITODRINE HYDROCHLORIDE (Repealed)
790.8136 SECOBARBITAL SODIUM (Repealed)
790.8140 SELENIUM SULFIDE (Repealed)
790.8180 SILVER SULFADIAZINE (Repealed)
790.8220 SODIUM AMINOSALICYLATE (Repealed)
790.8232 SODIUM CHLORIDE (Repealed)
790.8244 SODIUM LACTATE (Repealed)
790.8248 SODIUM NITROPRUSSIDE (Repealed)
790.8260 SODIUM POLYSTYRENE SULFONATE (Repealed)
790.8290 SOYBEAN OIL (Repealed)
790.8300 SPIRONOLACTONE (Repealed)
790.8340 STREPTOMYCIN SULFATE (Repealed)
790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE (Repealed)
790.8380 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA (Repealed)
790.8420 SULFACETAMIDE SODIUM (Repealed)
790.8460 SULFADIAZINE (Repealed)
790.8500 SULFAMETHIZOLE (Repealed)
790.8540 SULFAMETHOXAZOLE (Repealed)
790.8580 SULFAMETHOXAZOLE; TRIMETHOPRIM (Repealed)
790.8590 SULFANILAMIDE (Repealed)
790.8620 SULFASALAZINE (Repealed)
790.8660 SULFINPYRAZONE (Repealed)
790.8700 SULFISALAZINE (Repealed)
790.8710 SULINDAC (Repealed)
790.8724 TERAZEPAM (Repealed)
790.8727 TERBUHALINE SULFATE (Repealed)
790.8740 TESTOSTERONE CYPIONATE (Repealed)
790.8760 TESTOSTERONE ENANTHATE (Repealed)
790.8820 TESTOSTERONE PROPIONATE (Repealed)
790.8860 TETRAACCLINE (Repealed)
790.8900 TETRAACCLINE HYDROCHLORIDE (Repealed)
790.8940 THEOPHYLLINE (Repealed)
790.8980 THIAMINE HYDROCHLORIDE (Repealed)
790.9025 THIORIDAZINE HYDROCHLORIDE (Repealed)
790.9035 THIOXILYENE (Repealed)
790.9045 THIOXILYENE HYDROCHLORIDE (Repealed)
790.9048 TIMOGOL MALEATE (Repealed)

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790.9050 TOBRAMYCIN SULFATE (Repealed)
790.9056 TOLAZAMIDE (Repealed)
790.9060 TOLMETAMIDE (Repealed)
790.9070 TOLMETIN SODIUM (Repealed)
790.9084 TRACIDONE HYDROCHLORIDE (Repealed)
790.9100 TRAMCICLOLONE ACETONIDE (Repealed)
790.9140 TRIFLUOPERAZINE HYDROCHLORIDE (Repealed)
790.9180 TRIMETHOPRIM HYDROCHLORIDE (Repealed)
790.9220 TRIMETHOPRIM TARTRATE (Repealed)
790.9260 TRIMETHOBENZAMIDE HYDROCHLORIDE (Repealed)
790.9300 TRIMETHOPRIM (Repealed)
790.9320 TRIMETHOPRIM MALEATE (Repealed)
790.9340 TRIPLENNAMINE HYDROCHLORIDE (Repealed)
790.9380 TRIPROLDINE HYDROCHLORIDE (Repealed)
790.9420 TRISULFAPYRIMIDINE (Repealed)
790.9460 TROPICAMIDE (Repealed)
790.9475 VALPROATE SODIUM (Repealed)
790.9478 VALPROIC ACID (Repealed)
790.9486 VANCOMYCIN HYDROCHLORIDE (Repealed)
790.9500 VERAPAMIL HYDROCHLORIDE (Repealed)
790.9520 VINBLASTINE SULFATE (Repealed)
790.9530 VINCRISTINE SULFATE (Repealed)
790.9540 VITAMIN A (Repealed)
790.9580 VITAMIN A PALMITATE (Repealed)
790.9620 WATER FOR INJECTION, STERILE (Repealed)
790.9660 WATER FOR IRRIGATION, STERILE (Repealed)
790.9800 XYLOSE (Repealed)

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/3.14] and Section 25 of the Pharmacy Practice Act [225 ILCS 85/5].

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 31, 1978; emergency amendment at 3 Ill. Reg. 2, p. 16, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982;

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amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16224, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8914, effective May 15, 1986; amended at 11 Ill. Reg. 3555, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 7743, effective May 13, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988; emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 12555, effective August 5, 1988, for a maximum of 150 days; emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13 Ill. Reg. 12909; emergency amendment at 13 Ill. Reg. 12930, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19770, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 15055, effective January 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3184, effective February 16, 1990; emergency amendment at 14 Ill. Reg. 4620, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8154, effective May 11, 1990; emergency amendment at 14 Ill. Reg. 9556, effective June 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 11988, effective July 13, 1990; emergency amendment at 14 Ill. Reg. 13325, effective August 10, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17298, effective October 5, 1990; emergency amendment at 14 Ill. Reg. 18588, effective November 9, 1990, for a maximum of 150 days; emergency expired April 8, 1991; amended at 14 Ill. Reg. 20755, effective December 21, 1990; emergency amendment at 15 Ill. Reg. 3537, effective March 8, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 6566, effective April 19, 1991; emergency amendment at 15 Ill. Reg. 11194, effective July 19, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11791, effective August 2, 1991; emergency amendment at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18697, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 4899, effective March 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 5941, effective March 24, 1992; emergency amendment at 16 Ill. Reg. 8571, effective May 22, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12913, effective August 10, 1992;

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amended at 16 Ill. Reg. 16019, effective September 30, 1992; emergency amendment at 16 Ill. Reg. 17781, effective November 9, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 7283, effective May 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15916, effective September 20, 1993; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 790.40 Consideration of Drug Products for Inclusion in the Illinois Formulary

- a) Drug products for inclusion in the Illinois Formulary shall be approved and recommended to the Director--~~Illinois--Department of Public Health~~ by a Technical Advisory Council according to the notice and hearing provisions of this Section. The Council is composed of ~~seven~~ members, each of whom ~~who~~ has extensive experience in pharmaceutical affairs. Products for Council consideration shall be researched and presented by Department ~~Department~~ staff following consideration of recommendations by the federal ~~Federal~~ Food and Drug Administration (FDA), of recognized drug reference sources, of published research, and of qualified consultants.
- b) No product shall be considered for inclusion in the Illinois Formulary unless each individual dosage form, dosage strength and manufacturer has been recommended for drug product selection use by the FDA. Each product considered must be verified by the FDA as being marketed under currently approved drug applications, as meeting required manufacturing standards and chemical identity standards, and as being cleared of any issues involving the bioequivalence or bioavailability of the product. Prior to being sanctioned for DPS use, the product must pass FDA criteria specific for DPS approval which criteria may be more stringent than that required for general marketing approval. "Bioequivalence" and "bioavailability" have the meanings prescribed under 21 USC 320.1.
- c)
 - i) ~~Drug products previously approved by the Technical Advisory Council for generic interchange may be substituted in the State of Illinois without further review subject to the conditions of approval in the State before September 1, 2000 (the effective date of Public Act 91-0766) (Section 3.14 of the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/3.14)). Drug products requiring approval by the Council on or after September 1, 2000, for generic interchange are subject to the notice and hearing provisions of this Section.~~
 - ii) If not subject to a hearing under subsection (c)(v) or not specifically prohibited, then generic drug products determined to be therapeutically equivalent by the FDA shall be available for substitution in this State no sooner than 60 days after the submission of the prescribed notification under subsection (d) to

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the Council. "therapeutic equivalence" has the meaning prescribed under the current edition or supplement of the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations".

- 3) Manufacturers of the generic drug products shall submit to the Council the notification described in subsection (d) at least 60 days before the scheduled substitution of the drug product. During the 60-day notification period, the Council shall determine, based upon a preponderance of the evidence, whether the generic drug product has issues related to the practice of medicine or the practice of pharmacy.

- 4) If the Council determines that the generic drug product does not have issues related to the practice of medicine or pharmacy, then the Council shall issue its recommendation of approval of the generic drug product to the Director. If included on the Drug Products Selection Formulary by the Director under subsection (f), then the drug product may be substituted in the State after either the 60-day notification period or the date of the product's full approval for safety and efficacy by the FDA, whichever is later.

- 5) If the Council determines that the generic drug product has issues related to the practice of medicine or pharmacy, then:
 - A) a hearing on the drug product shall be held under subsection (e) at the Council's next regularly scheduled meeting.
 - B) the Council's hearing determination shall be reviewed by the Director under subsection (f); and
 - C) the drug product may not be substituted in the State unless included in the Drug Products Selection Formulary by the Director.

Products in generic entities has described in Section 799.100 of this Part) never previously reviewed in any manner shall be ineligible for consideration at Technical Advisory Council meetings if the products' FDA approval date is 30 or fewer days prior to the scheduled Technical Advisory Council meeting. Such entities' initial review shall be deferred to the next scheduled Technical Advisory Council meeting. The notification to the Council shall consist of the items listed in subsection (d)(1). Manufacturers of products in generic entities never previously reviewed in any manner or items under further consideration by the Technical Advisory Council, for whatever reason, shall comply with the following criteria to be allowed to address the Council:

- 1) Nine complete 800 copies of:

- A) all testimony (plus one copy of the testimony that has individual identifying information redacted) and end-eight copies of any and all data upon which comment or reference may be made, whether published or unpublished;
- B) the drug product's technical bioequivalence and therapeutic equivalence information, including documentation of the

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required testing to support FDA product approval; and
 C) the information required in subsection (b), shall be submitted, in writing to the following address no later than 60 calendar days prior to the regularly-scheduled quarterly meeting of the Technical Advisory Council at the following address:

Administrator, Drug Product Selection Program
 Illinois Department of Public Health
 Office of Health Protection
 Division of Food, Drugs and Devices
 525 W. Jefferson Street
 Springfield, Illinois 62761-0001

- 2) The Department shall notify all other manufacturers of products within a specific generic entity that a hearing will be held on the drug product petition for review has been received within the time frame specified in this section. The notification may be posted on the Department's Internet Website at www.idph.state.il.us. These such manufacturers shall provide 98 copies of all testimony (plus one copy of the testimony that has individual identifying information redacted) and 9 eight copies of any and all data upon which comment or reference may be made, whether published or unpublished, in writing to the Department within 30 days prior to of the regularly scheduled meeting should they wish to be heard make presentation on the specific issue at the Council meeting. Nine 800 copies of any and all rebuttal comments from any concerned manufacturer shall be submitted in writing to the Department within 14 days after of the regularly scheduled meeting, should a company wish to respond to its competitor's submission.

- 3) Each manufacturer shall be limited to a 20-minute presentation irrespective of their number of speakers. Additional time shall be available to answer specific questions of the Technical Advisory Council members, if necessary.

- e) The Director may designate an individual to conduct the hearing and make a recommendation to the Council on a generic drug product that has issues related to the practice of medicine or pharmacy. The Council shall make the final determination. Hearings shall be conducted according to the Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) under Article 10 of the Illinois Administrative Procedure Act 15 ILCS 100/Art. 10). Determinations shall be accompanied by a written detailed explanation of the decision's basis. The Council shall make its recommendation of approval or disapproval of the generic drug product to the Director within 20 business days after the public hearing. Failure to comply with these criteria shall result in the exclusion of the speakers from the agenda.

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f) After the Council's recommendation for approval or disapproval of the drug product is submitted to the Director, the Director may approve or prohibit the drug product's inclusion in the Drug Products Selection Formulary. Only if the Director decides that, based upon a preponderance of the evidence, the generic drug is not bioequivalent, is not therapeutically equivalent, or could cause clinically significant harm to the health or safety of patients, may the Director prohibit the drug product from inclusion in the formulary. The Director's decision to prohibit a drug product from inclusion in the formulary shall be accompanied by a written detailed explanation of the decision's basis. Decisions under this subsection constitute a final administrative decision within the meaning of Section 22.2 of the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/22.2) and Section 3-101 of the Administrative Review Law (735 ILCS 5/3-101) and are subject to judicial review under Article III of the Administrative Review Law (735 ILCS 5/Art. III).

g) Exclusive indications and unique product packaging, whether patented or unpatented, do not constitute criteria for inclusion of a drug entity in the Illinois Formulary.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer
- 2) Code Citation: 86 Ill. Adm. Code 750
- 3) Section Numbers: Proposed Action: Amendment
750.300
- 4) Statutory Authority: 35 ILCS 5 and 120
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements provisions of Public Act 91-541, which establishes new thresholds requiring payment by electronic funds transfer. These thresholds will become effective October 1, 2000.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Karl W. Betz
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers and manufacturers.
- B) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping.
- C) Types of professional skills necessary for compliance: Accounting

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and recordkeeping.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 750
PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section	Scope of the Program and Rules
750.100	Definitions
750.200	Payments Required to be Paid by Electronic Funds Transfer
750.300	Eligibility Determination and Taxpayer Notification
750.400	Voluntary Program Participation
750.500	Methods of Electronic Funds Transfer Payment
750.600	Payment Transmission Errors
750.700	Department Notification Requirement
750.800	Due Date; General Provisions
750.900	

AUTHORITY: Implementing and authorized by the Retailers' Occupation Tax Act [35 ILCS 120].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. 3867, effective February 28, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 750.300 Payments Required to be Paid by Electronic Funds Transfer

a) Income tax payments

1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic funds transfer. The threshold amounts are set by law, change over time, and are detailed below.

2) Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))

A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.

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- B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the ITRA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.
- C) Beginning on October 1, 2000, the threshold for taxpayers with withholding liability under Article 7 of the ITRA drops to an average annual liability of \$200,000 and the threshold for taxpayers with liability for estimated tax payments under Article 8 of the ITRA drops to an average quarterly estimated tax payment obligation of \$50,000.
- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.
- A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501 payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.
- B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120 ES payments and IL-505B payments by electronic funds transfer.
- C) Individual taxpayers with estimated income tax liabilities over the statutory thresholds shall make IL-1040ES and IL-5051 payments by electronic funds transfer.
- D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.
- b) State and local occupation and use tax payments
- 1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)(4) below sets forth the types of payments that must be made by electronic funds transfer.
- A) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by

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- electronic funds transfer. The term "average monthly tax liability", as used in this subsection (b), shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year, divided by 12. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROTA"))*
- B) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.
- C) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$50,000.
- D) Beginning October 1, 2000, a taxpayer who has an annual liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. [35 ILCS 120/3]
- 2) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 3) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, SR-1 return payments, PGT-1 return payments and PGT-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, SR-1-X return payments, 556 return payments, etc.) may not be paid by electronic funds transfer.
- c) Electricity Excise Tax payments
- 1) Beginning October 1, 1999, each delivering supplier or self-assessing purchaser whose average monthly liability under the Electricity Excise Tax Law was \$10,000 or more is required to make all payments by electronic funds transfer. The calculation to determine the average monthly liability is made by taking the sum of the liabilities of the delivering supplier or self-assessing purchaser for the immediately preceding calendar year and dividing by the number 12.
- 2) The Department will calculate the delivering supplier's or self-assessing purchaser's average monthly liability for calendar year 1998, and only for calendar year 1998, by taking the sum of

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the delivering supplier's or self-assessing purchaser's liabilities for the last 5 months of calendar year 1998 and dividing by the number 12.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: 130.605 Proposed Action: Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides the exemption for sales made in foreign commerce, clarifies the exemption for certain sales made in interstate commerce, and provides that the term "motor vehicle" does not include "watercraft" or "personal watercraft" for purposes of a sale of a motor vehicle to a nonresident in Illinois, if such motor vehicle is not to be titled in Illinois, and if a driveway decal permit is issued or if such purchaser has registration plates to transfer to the motor vehicle.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.101	Amendment	2/25/00, 24 Ill. Reg. 3128
130.110	Amendment	2/25/00, 24 Ill. Reg. 3128
130.111	Amendment	2/25/00, 24 Ill. Reg. 3128
130.120	Amendment	2/25/00, 24 Ill. Reg. 3128
130.201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.205	Amendment	2/25/00, 24 Ill. Reg. 3128
130.215	Amendment	2/25/00, 24 Ill. Reg. 3128
130.220	Amendment	2/25/00, 24 Ill. Reg. 3128
130.225	New Section	2/25/00, 24 Ill. Reg. 3128
130.305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.315	Amendment	2/25/00, 24 Ill. Reg. 3128
130.320	Amendment	2/25/00, 24 Ill. Reg. 3128
130.321	Amendment	2/25/00, 24 Ill. Reg. 3128
130.330	Amendment	2/25/00, 24 Ill. Reg. 3128
130.331	Amendment	2/25/00, 24 Ill. Reg. 3128
130.335	Amendment	2/25/00, 24 Ill. Reg. 3128
130.345	Amendment	2/25/00, 24 Ill. Reg. 3128
130.350	Amendment	2/25/00, 24 Ill. Reg. 3128
130.351	Amendment	2/25/00, 24 Ill. Reg. 3128
130.401	Amendment	2/25/00, 24 Ill. Reg. 3128

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130.410	Amendment	2/25/00, 24 Ill. Reg. 3128
130.415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.425	Amendment	2/25/00, 24 Ill. Reg. 3128
130.435	Amendment	2/25/00, 24 Ill. Reg. 3128
130.445	Amendment	2/25/00, 24 Ill. Reg. 3128
130.535	Amendment	2/25/00, 24 Ill. Reg. 3128
130.540	Amendment	2/25/00, 24 Ill. Reg. 3128
130.701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.705	Amendment	2/25/00, 24 Ill. Reg. 3128
130.720	Amendment	2/25/00, 24 Ill. Reg. 3128
130.735	Amendment	2/25/00, 24 Ill. Reg. 3128
130.745	Amendment	2/25/00, 24 Ill. Reg. 3128
130.801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.805	Amendment	2/25/00, 24 Ill. Reg. 3128
130.815	Amendment	2/25/00, 24 Ill. Reg. 3128
130.901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.905	Amendment	2/25/00, 24 Ill. Reg. 3128
130.910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1001	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1405	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1501	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1515	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1915	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1925	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1930	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1935	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1940	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1965	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1971	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1975	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1980	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2000	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2005	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2010	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2015	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2020	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2035	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2045	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2055	Amendment	2/25/00, 24 Ill. Reg. 3128

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130.2060	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2065	Repeal	2/25/00, 24 Ill. Reg. 3128
130.2070	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2075	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2085	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2100	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2105	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2115	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2130	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2140	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2145	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2156	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2165	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2170	Amendment	2/25/00, 24 Ill. Reg. 3128
ILLUSTRATION A		
130.120	Amendment	05/19/00, 24 Ill. Reg. 7470
130.2009	New Section	05/19/00, 24 Ill. Reg. 7470
130.330	Amendment	05/26/00, 24 Ill. Reg. 7617
130.101	Amendment	07/28/00, 24 Ill. Reg. 11245
130.551	Amendment	07/28/00, 24 Ill. Reg. 11245
130.120	Amendment	08/04/00, 24 Ill. Reg. 11599
130.1960	Amendment	08/04/00, 24 Ill. Reg. 11599
130.332	New Section	08/04/00, 24 Ill. Reg. 11599
10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.		
11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to: Gina Roccaforte Illinois Department of Revenue Legal Services Office 101 West Jefferson Springfield, Illinois 62794 (217) 782-6996		
12) Initial Regulatory Flexibility Analysis: A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers B) Reporting, bookkeeping or other procedures required for compliance: Minimal		

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000
- The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE

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ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; reidentified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended

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at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 1824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART F: INTERSTATE COMMERCE

Section 130.605 Sales of Property Originating in Illinois

a) Where tangible personal property is located in this State at the time of its sale (or is subsequently produced in Illinois), and then

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delivered in Illinois to the purchaser, the seller is taxable if the sale is at retail.

- 1) The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of such property in this State.
- 2) This is notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce.
- 3) The place at which the contract of sale or contract to sell is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. It likewise makes no difference that the purchaser is a carrier when that happens to be the case.

- 4) There are two exceptions to the rule that the sale is not deemed to be a sale in interstate commerce if the purchaser or his representative receives physical possession of the property in Illinois.

A) Effective July 23, 1971, the tax is not imposed upon the sale of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the other vehicle upon returning to his home state. The issuance of the driveway decal permit shall be prima facie evidence that such motor vehicle will not be titled in this State. For purposes of this subsection (a)(4)(A), the term "motor vehicle" does not include "watercraft" or "personal watercraft" as defined in the Boat Registration and Safety Act 1625 ILCS 45] or any boat equipped with an inboard motor.

B) The seller does not incur Retailers' Occupation Tax liability with respect to the proceeds from the sale of an item of tangible personal property to a common carrier by rail or motor that receives physical possession of property in Illinois and that transports the property, or shares with another common carrier in transporting the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois. (Section 2-5(17) of the Act)

- C) The exception for sales to common carriers by rail or motor which is described immediately above at subsection (a)(4)(B) of this Section is also applicable to local occupation taxes

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administered by the Department Retailers' Occupation Taxes imposed---by---home---rule---municipalities---non-home---rule municipalities---home-rule-counties---water---commissions---the Regional---Transportation---Authority---and the Metro-East-Mass Transit-District.

- b) The tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made.

- c) Nor does the tax apply to gross receipts from sales in which the seller, by carrier (when the carrier is not also the purchaser) or by mail, under the terms of his agreement with the purchaser, delivers the goods from a point in this State to a point outside this State not to be returned to a point within this State. The fact that the purchaser actually arranges for the common carrier or pays the carrier that effects delivery does not destroy the exemption. However, it is critical that the seller is shown as the consignor or shipper on the bill of lading. If the purchaser is shown as either the consignor or the shipper, the exemption will not apply.

- d) The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale or contract to sell is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of the type described in subsections (b) and (c) are deemed to be within the protection of the Commerce Clause of the Constitution of the United States.

- e) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the seller will be required to retain in his records, to support deductions taken on his tax returns proof which satisfies the Department that there was such an agreement and a bona fide delivery outside this State of the property which is sold. The most acceptable proof of this fact will be:

- 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
- 2) If sent by mail, an authorized receipt from the United States Post Office Department for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of such mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;

- 3) If sent by seller's own transportation equipment, a trip sheet signed by the person making delivery for the seller and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his representative, showing

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the name and address of the seller, the name and address of the purchaser and the time and place of such delivery outside Illinois by the seller; together with other supporting data as required by Section 130.810 of this Part and by Section 7 of the act.

- F) Retailers who ship property to freight forwarders who take possession of the property in Illinois and ship the property to foreign countries, not to be returned to the United States, are making exempt sales in foreign commerce and do not incur Retailers' Occupation Tax liability on the gross receipts from those sales. However, there is no exemption for property delivered in Illinois to foreign vessels. If foreign vessels purchase items of tangible personal property from Illinois retailers and have those items delivered to such vessels in an Illinois port, the sale is made in Illinois, the purchaser takes possession of the items in Illinois, and therefore, the sale is taxable.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Telecommunications Excise Tax
2) Code Citation: 86 Ill. Adm. Code 495
3) Section Numbers: Proposed Action:
495.100 Amendment
4) Statutory Authority: 35 ILCS 630
5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds provisions concerning the limits of the application of the Telecommunications Excise Tax with respect to internet access providers. Pursuant to the Illinois Department of Revenue Sunshine Act, this rulemaking articulates in rule form policies of general applicability expressed by the Department in a number of general information letters including ST 00-0110-GIL, ST 00-0071-GIL, ST 99-0368-GIL, and ST 97-0625-GIL.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
217/782-6996

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Internet service providers

B) Reporting, bookkeeping or other procedures required for compliance:

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Minimal

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: July 2000The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 495

TELECOMMUNICATIONS EXCISE TAX

Section

Meaning of "Gross Charges"

495.100 Exemptions

495.105 Exemptions

495.110 Retailers

495.115 Interstate

495.120 Mobile Operations Reporting Option

495.125 Responsibility for Accounting and Payment of Tax

495.130 Credits

495.135 Tax Returns--When Due--Contents

495.140 Imposition of Telecommunications Excise Tax

AUTHORITY: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].

SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. 13658, effective September 29, 1997; amended at 22 Ill. Reg. 11886, effective July 1, 1998; amended at 24 Ill. Reg. 12082, effective July 28, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 495.100 Meaning of "Gross Charges"

- a) "Gross Charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money, whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service cost or any other expense whatsoever. (Section 2(a) of the Telecommunications Excise Tax Act (the Act) [35 ILCS 630/2(a)]). A retailer may provide services to customers which are not provided in connection with originating or receiving telecommunications. If such services are not necessary for or directly related to the retailer's provision of telecommunications to customers and the charges for other services are disaggregated and separately identified from other charges, the charges need not be included in "Gross Charges". Without limitation, examples of such services not included in "Gross Charges" are directory advertising; specialized designing and/or engineering services; specialized security measures; and consulting services.
- b) Gross Charges shall not include charges for customer equipment, including such equipment that is leased or rented by the customer from

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any source, wherein such charges are disaggregated and separately identified from other charges (Section 2(a)(4) of the Act). Customer equipment includes, but is not limited to, all items generally classified as customer equipment or terminal equipment, such as telephone instruments and station sets, dialers, modems, private branch exchanges (PBXs/PBX+4s), inside wiring, facsimile machines, pagers and non-electronic associated items such as documentation, manuals and furniture. Such items of customer equipment, including maintenance and miscellaneous services may be leased, rented or sold to one customer or a group of customers without being included in the gross charges, but will be subject to Retailers' Occupation or Use Taxes. To be exempt, the charges for customer equipment must be disaggregated and separately identified from other charges in the books and records of the retailer.

c) *Gross charges does not include charges for the storage of data or information for subsequent retrieval or charges for the processing of data or information intended to change its form or content (Section 2(a)(3) of the Act). Charges for answering services, for example, whether provided electronically or by live operators, represent charges for the storage of information or data for subsequent retrieval, and are not subject to tax, provided that these charges, if provided, in connection with taxable telecommunications, are disaggregated and separately identified in the books and records of the retailer.* Charges for automated data storage, retrieval and processing services or for the use of computer time or other equipment are not included in gross charges. Automated information retrieval or data processing charges are not included in gross charges. For example, a customer who accesses an on-line computer data base would not be subject to tax on the charge for the data processing or inquiry, but would be subject to tax on the charge for the transmission of the data. If a telecommunications retailer provides both transmission and data processing services, the charges for each must be disaggregated and separately identified in the books and records of the retailer.

d) *Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission are exempt (Section 2(c) of the Act).* For example, the charges for computer data, protocol conversions which permit computers to exchange data, no matter which languages or protocols a computer's out-put may be in, and packet-switching, which groups data into packets for efficiency of transmission, would be exempt.

e) Advertising revenue either from directory sales (yellow pages) or from message additions to telecommunications service are not included in gross charges. For example, revenues from an advertising message preceding a time/weather call are not included in gross charges.

f) Contributions to a telethon fund-raising campaign are not included in gross charges.

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g) Gross charges shall include, but are not limited to, charges for unlisted or unpublished numbers, operator assistance, directory information, call-waiting, call-forwarding, and burglar alarm services provided by telecommunications retailers.

h) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to Telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax thereon specifically. However, the telecommunications retailer is responsible for remitting the tax due on the line charge.

i) Gross charges shall include the transmission charges for premium announcement services of information and entertainment, and charges for the message content or information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00 service charge to caller for product or service

\$.30 call charge (15¢ call, 15¢ billing and collection)

\$.15 billing and collection charge is not included in gross charges

\$25.00 is not included in gross charges

\$.15 is included in gross charge

k) Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

l) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

m) Generally, persons that provide customers access to the Internet ("Internet Service Providers" or "ISPs") and who do not, as part of that service, charge customers for the line or other transmission charges that are used to obtain access to the ISP's server or other point of access, are not considered to be telecommunications retailers from these activities. This is the case so long as such ISPs do not, as part of their billing, charge customers for such line charges and instead pay their telecommunications suppliers all transmission costs that they incur in providing the Internet service. In this situation, an ISP's customer pays his telecommunications supplier for all transmission costs incurred while using the service. The single monthly fee charged by the ISP, which often represents a flat charge for a package of items including Internet access, email, and electronic newsletters, would generally not be subject to tax. If, however, the ISP charges customers for line or other transmission charges, it should provide its telecommunications suppliers with Certificates of Resale and should collect and remit the tax. For example, if an ISP provides customers with Internet access, as described above, but also provides customers the use of a 1-800 service to access the ISP, and separately assesses customers per minute charges for the use of the 1-800 service, the ISP is considered a telecommunications retailer and incurs Telecommunications Excise Tax on the charges made for the 1-800 service. If the charges are not disaggregated as provided in subsection (c) above, all charges are subject to the Telecommunications Excise Tax.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citations: 2 Ill. Adm. Code 1875
- 3) Section Numbers:

1875.10	Amendment
1875.20	Amendment
1875.30	New Section
1875.40	New Section
1875.230	Amendment
APPENDIX A	Amendment
APPENDIX B	New Section
APPENDIX C	New Section
APPENDIX D	Renumbered and Amendment
APPENDIX E	Renumbered and Amendment
APPENDIX F	New Section
APPENDIX G	New Section
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) Effective Date of Amendments: August 27, 2000
- 6) Does this rulemaking contain an automatic repeal date? This rulemaking does not contain an automatic repeal date.
- 7) Does this amendment contain incorporations by reference? This amendment does not contain incorporations by reference.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) The Notice of Proposed Amendments were published in the Illinois Register on: March 24, 2000; 24 Ill. Reg. 4382
- 10) Has JCAR issued a Statement of Objection to these amendments? JCAR has not issued a Statement of Objection to these amendments.
- 11) Differences between proposal and final version:
 - a. In Section 1875.40(a), add "The authority to charge reasonably calculated fees for Freedom of Information requests derives from the Freedom of Information Act (5 ILCS 140/6)".
 - b. In Section 1875.40(c), change "may" to "shall".
 - c. In the Table of Contents, Appendix F and Appendix G, add "Commission"

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

after "Advocacy".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes have been made.
- 13) Will this amendment replace an emergency amendment currently in effect? These amendments will not replace emergency amendments.
- 14) Are there any amendments pending on this Part? There are no amendments pending on this Part.
- 15) Summary and Purpose of these Amendments: The amendments reflect updated statutory citations, updated organizational charts, and updated addresses for contacting the Guardianship and Advocacy Commission. The new sections include information on records and fees pertaining to the public records of the Guardianship and Advocacy Commission, as well as adding two new organizational charts.
- 16) Information and questions regarding this adopted amendment shall be directed to:

John H. Wank
General Counsel
Illinois Guardianship and Advocacy Commission
State of Illinois Building
160 North LaSalle, Suite 8-500
Chicago, Illinois 60601-3103
312/793-5900

The full text of the adopted amendments begins on the next page:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XVI: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 1875

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
1875.10	Public Requests
1875.20	Public Submissions
1875.30	General Materials Available from the Guardianship and Advocacy Commission
1875.40	Fee Schedule for Copies of Records

SUBPART B: RULEMAKING

Section	
1875.100	Rulemaking Procedures

SUBPART C: ORGANIZATION

Section	
1875.210	Commission Organization
1875.220	Commission Membership, Terms of Office, and Vacancies
1875.230	Officers, Nomination and Elections, Responsibilities, Meetings, Vote, and Quorum
1875.240	Powers and Duties
1875.250	Standing Committees
1875.260	Commission Staff
1875.270	Parliamentary Procedure
1875.280	Amendment of Rules of Organization

APPENDIX A	Organizational Chart: Office of State Guardian Northern Regions
APPENDIX B	Organizational Chart: Office of State Guardian Central/Southern Regions

APPENDIX C	Organizational Chart: Legal/Guardianship Estate Representatives
APPENDIX D	Organizational Chart: Human Rights Authority
APPENDIX E	Organizational Chart: Legal Advocacy Service
APPENDIX F	Organizational Chart: Administration of Guardianship and Advocacy Commission
APPENDIX G	Organizational Chart: Overview of Guardianship and Advocacy Commission

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

GUARDIANSHIP AND ADVOCACY COMMISSION

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SOURCE: Adopted and codified at 8 Ill. Reg. 3676, effective March 8, 1984; amended at 9 Ill. Reg. 2278, effective February 1, 1985; amended at 12 Ill. Reg. 16712, effective October 4, 1988; amended at 24 Ill. Reg. 13 6 3 7, effective AUG 22 2000.

SUBPART A: PUBLIC INFORMATION

Section 1875.10 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested, the reason for the request and, when applicable, timing requirements. A request should be directed to:

Office of the Director
Guardianship and Advocacy Commission
160 North LaSalle, Suite S-500
Chicago, Illinois 60601

Office-of-the-Director
Guardianship-and-Advocacy-Commission
527-South-Weilay-Suite-300
Chicago-Illinois-60607

- b) When confidential information is requested, or whenever release of information is limited or prohibited by statute or by any provision of 20 Ill. Adm. Code 1, the requestor shall be notified in writing.

(Source: Amended at 24 Ill. Reg. 13 6 3 7, effective AUG 22 2000)

Section 1875.20 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, programs and activities of the Commission in writing to:

Office of the Director
Illinois Guardianship and Advocacy Commission
State of Illinois Building
160 North LaSalle Street, S-500
Chicago, Illinois 60601

Office-of-the-Director
Guardianship-and-Advocacy-Commission
527-South-Weilay-Suite-300
Chicago-Illinois-60607

(Source: Amended at 24 Ill. Reg. 13 6 3 7, effective

GUARDIANSHIP AND ADVOCACY COMMISSION

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AUG 22 2000

Section 1875.30 General Materials Available from the Guardianship and Advocacy Commission

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- A brief description of the organizational structure and budget of the Commission;
- A brief description of the means for requesting information and public records;
- A list of types and categories of public records maintained by the Commission.

(Source: Added at 24 Ill. Reg. 13 6 3 7, effective AUG 22 2000)

Section 1875.40 Fee Schedule for Copies of Records

a) When Charged

The Guardianship and Advocacy Commission shall charge fees according to the schedule provided below to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the Commission to copy records. The authority to charge reasonably calculated fees for Freedom of Information requests derives from the Freedom of Information Act (5 ILCS 140/6).

b) Copies

1) Original Documents

- 8 1/2 x 11, one side, 10 cents per copy
- 8 1/2 x 14, one side, 10 cents per copy
- 8 1/2 x 11, two sides, 20 cents per copy
- 8 1/2 x 14, two sides, 20 cents per copy
- Oversize or undersize materials that do not fit in the document holder. -- 20 cents per copy

2) Computer printouts

Standard printouts -- \$4 per hundred pages.

c) Notice of Anticipated Fees in Excess of \$25

Where it is anticipated that fees to the requestor will exceed \$25, and the requestor has not indicated in advance his or her willingness to pay fees as high as are anticipated, the requestor shall be notified of the amount of the anticipated fee. A request will not be deemed to have been received until the requestor is notified of the anticipated cost and agrees to bear it. The notification shall also offer the requestor the opportunity to confer with office personnel to reformulate the request to meet his or her needs at a lower cost.

d) Form of Payment

Payment shall be made by check or money order payable to the

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Guardianship and Advocacy Fund.

- e) Advance Deposit
Where the anticipated fee exceeds \$25, an advance deposit of either 25% of the anticipated fee or \$25, whichever is greater, shall be required before the material will be reproduced. Where a requestor previously failed to pay a fee under this Section, an advance deposit of the full amount shall be required.

f) Waiver

Fees shall not be charged if the Guardianship and Advocacy Commission determines that waiver or reduction of the fee is in the public interest and will primarily benefit the general public. Also, fees shall be waived if the requestor is another State agency, a constitutional officer of this State, or is a member of the Illinois General Assembly.

(Source: Added at 24 Ill. Reg. 13 637, effective AUG 2 2006)

Section 1875.230 Officers, Nomination and Elections, Responsibilities, Meetings, Vote, and Quorum

- a) The Commission shall annually elect a Chairperson and any other officers it deems necessary. Other officers shall include a Vice Chairperson, a Secretary and a Treasurer.
- b) Candidates for officers shall be nominated by a Nominating Committee consisting of at least two-t 24 members of the Commission appointed by the Chairperson ~~of-the-Commission~~ prior to the annual meeting. Nominations may be by ballot. The officers shall be elected by the Commissioners at the annual meeting and ~~they shall~~ hold office for a term of one t 1 year or until their successors are duly elected and qualified at a special meeting of the Commission. Vacancies in any office shall be filled by the Commission.
- c) The officers shall perform the duties of their office and such other duties as may be required by this Part.
- 1) The principle duties of the Chairperson of the Commission shall be to:
- Preside at all meetings of the Commission.
 - Appoint all committees and receive committee reports.
 - Determine the time and place of meetings of the Commission.
 - Perform all other duties incident to the office of Chairperson.
- 2) The principle duties of Vice Chairperson shall be to:
- Perform the duties and exercise the powers of the Chairperson in the absence or disability of the Chairperson.
 - Sit as a voting member of the Human Rights Authority, Legal Advocacy Services and Office of the State Guardian Committees.
 - Perform such other duties as may be required.

GUARDIANSHIP AND ADVOCACY COMMISSION

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- 3) The principle duties of the Secretary shall be to:
- Record the minutes of all proceedings at the Commission meetings.
 - Perform such other duties as may be required by the Commission.

- 4) The principle duties of the Treasurer shall be to:

- Chair the Fiscal Committee.
- Perform such other duties as may be required by the Commission.

- d) The Commission meetings are subject to the provisions of the Open Meetings Act [5 ILCS 120] ~~that~~ ~~rev-stat-1987-ch-102-pars-41-et seq-7 as now or heretofore amended.~~

- 1) The Commission shall meet at least once every ~~three-t 3~~ months, at the times and places determined by the Chairperson.

- 2) Special or additional meetings may be called by the Chairperson upon written notice ~~7~~ seven days t 7 before the meeting or by written petition of ~~five-t 5~~ members submitted to the Chairperson.

- 3) The Commission shall record minutes of the proceedings of each meeting.

- 4) The annual meeting shall be held in the last quarter of the fiscal year, no later than June 30th.

- e) Each Commissioner shall be entitled to one vote on all matters presented to the Commission. Proxy ballots shall be accepted when submitted in writing to the Chairperson.

- f) Six t 6 members of the Commission shall constitute a quorum. A majority vote in a meeting at which a quorum is present shall be sufficient to constitute the transactions of the business of the Commission.

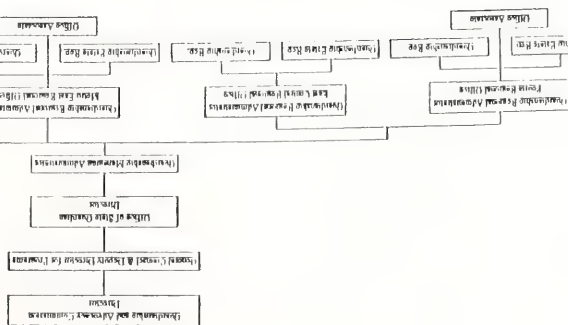
(Source: Amended at 24 Ill. Reg. 13 637, effective AUG 2 2006)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 13637, effective AUG 1, 2000)

Illinois Guardianship and Advocacy Commission
(Office of State Guardian
Central/Southern Regions)



Section 1875, APPENDIX B Organizational Chart: Office of State Guardian
Central/Southern Regions

NOTICE OF ADOPTED AMENDMENTS

GUARDIANSHIP AND ADVOCACY COMMISSION

GUARDIANSHIP AND ADVOCACY COMMISSION

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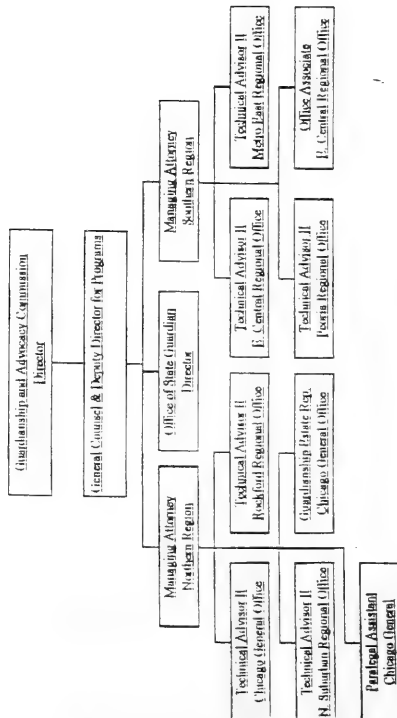
(Source: Added at 24 Ill. Reg. 13 037, effective AUG 22 2000)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 1875, APPENDIX C Organizational Chart: Legal/Guardianship Estate Representatives

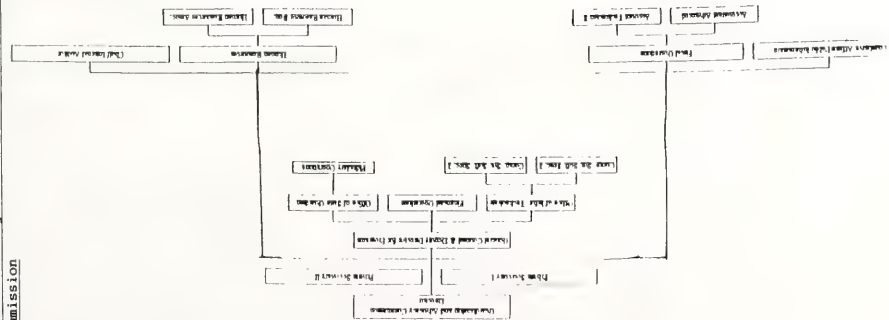
Illinois Guardianship and Advocacy Commission
Office of State Guardian
Legal/Guardianship Estate Representatives



GUARDIANSHIP AND ADVOCACY COMMISSION

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Section 1875, APPENDIX F Organizational Chart: Administration of Guardianship and Advocacy Commission



GUARDIANSHIP AND ADVOCACY COMMISSION

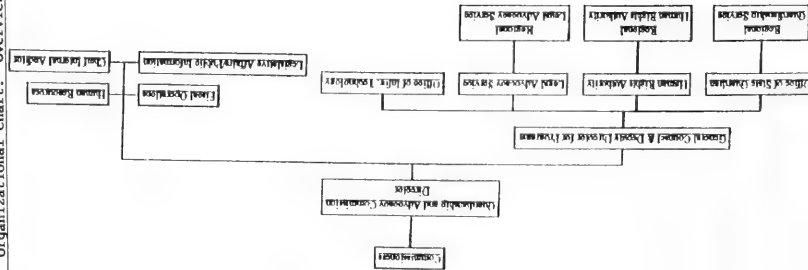
NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 13637, effective AUG 22, 2000)

GUARDIANSHIP AND ADVOCACY COMMISSION

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Section 1875, APPENDIX G Organizational Chart: Overview of Guardianship and Advocacy Commission



Illinois (Guardianship and Advocacy Commission)

(1) Review

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 13637, effective AUG 22 2000)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Access to Public Records

2) Code Citation: 2 Ill. Adm. Code 1176

3) Section Numbers: Adopted Action:

1176.20 Amend

1176.100 Amend

1176.110 Amend

1176.200 Amend

1176.210 Amend

1176.300 Amend

1176.310 Amend

1176.400 Amend

1176.410 Amend

1176.420 Amend

TABLE A Added

TABLE B Added

4) Statutory Authority: Implementing The Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendment: August 24, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: Feb. 18, 2000, 24 Ill. Reg. 2551

10) Has JCAR Issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version:

In Section 1176.100, removed phrase "Freedom of Information Officer".

In Section 1176.110, reinstated (c)(4).

In Section 1176.300, added a comma after "requestor" and after "Communications".

In Section 1176.310, reinstated "The Secretary's response shall state the

DEPARTMENT OF HUMAN SERVICES
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requestor's right to a judicial review of the decision pursuant to Section 11 of FOIA [5 ILCS 140/11]".

In Table A, deleted "Freedom of Information Officer" and added "Attn FOIA Request".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rulemaking: This rulemaking revises the rules on public records and the Freedom of Information Act. The revisions clarify where FOIA requests are to be sent within the Department of Human Services, how the Department responds to such requests, where the inspection of records may take place and charges for records.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
217/785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL AGENCIES
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1176
ACCESS TO PUBLIC RECORDS

SUBPART A: INTRODUCTION

Section
1176.10 Summary and Purpose
1176.20 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
1176.100 Person to Whom Requests are Submitted
1176.110 Form and Content of Requests

SUBPART C: PROCEDURES FOR DHS RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
1176.200 Timelines for Department DHS Response
1176.210 Types Categories of Department DHS Response

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
1176.300 Appeal of a Denial
1176.310 Secretary's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
1176.400 Inspection of Records at Department Offices
1176.410 Copies of Public Records
1176.420 General Materials Available from the Office of Press/Communications
Table A Freedom-of-Information-Officer
Table B A Request for Public Records
Table C Fee Schedule for Duplication of Public Records

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS

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2405/3].

SOURCE: Adopted at 8 Ill. Reg. 15957, effective August 20, 1984; amended at 9 Ill. Reg. 2314, effective February 15, 1985; amended at 9 Ill. Reg. 12859, effective August 6, 1985; amended at 11 Ill. Reg. 19416, effective November 13, 1987; amended at 12 Ill. Reg. 14689, effective September 2, 1988; amended at 13 Ill. Reg. 15763, effective September 22, 1989; amended at 14 Ill. Reg. 15999, effective September 17, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9327; old Part repealed at 23 Ill. Reg. 4402 and new Part adopted at 23 Ill. Reg. 4404, effective March 31, 1999; amended at 24 Ill. Reg. ~~13658~~, effective AUG 24 2000.

SUBPART A: INTRODUCTION

Section 1176.20 Definitions

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"Department" "DHS" means the Department of Human Services.

"FOIA" means the Freedom of Information Act.

~~"Freedom-of-information-officer" means an individual responsible for receiving and responding to requests for public records.~~

"Requestor" means a person who submits a request for public records in accordance with this Part.

~~"Undue burden" means those FOIA requests that, despite Department attempts to confer with the requester to reduce his/her request to manageable size, either continues to lack requisite specificity and/or disrupts the duly undertaken work of the Department.~~

(Source: Amended AUG 24 2000 at 24 Ill. Reg. ~~13658~~, effective AUG 24 2000)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1176.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the DHS--Freedom-of-Information-Officer--Requests shall be submitted to the following address:

Freedom-of-Information-Officer
Office of Press/Communications
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

100 South Grand Ave. East, 3rd Floor
Springfield IL 62762
ATTN: FOIA Request

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

Section 1176.110 Form and Content of Requests

- a) Requests in accordance with FOIA and this Part shall be made in writing. Such requests may be submitted on FOIA request forms provided by the Department. (See Table A of this Part.) All requests for records submitted to the Department in accordance with FOIA shall be made in writing unless the individual is unable, because of disability, to prepare a written request.
- b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in FOIA and this Part do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:
 - 1) The requestor's full name, address and phone number.
 - 2) A brief specific description of the public records sought, including, if possible, an example of the document requested being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.
 - 4) Whether the requestor wants copies of public records certified.

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

SUBPART C: PROCEDURES FOR DHS RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 1176.200 Timelines for Department DHS Response

- a) The Department's Office of Press/Communications Department shall respond in writing to a written request for public records within 7 working days after the receipt of such request.
- b) The Office of Press/Communications Department may give notice of an extension of time to respond that does not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of FOIA [5 ILCS 140/3(d)]. Such notice of extension shall state the reasons why the extension is necessary and the date by which the records will be available or denial will be forthcoming.

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective

DEPARTMENT OF HUMAN SERVICES

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AUG 24 2000)

Section 1176.210 Types Categories of Department DHS Response

a) The Department's Office of Press/Communications DHS shall respond to a request for public records in one of four three ways:

- 1) Approve the request.
- 2) Approve in part and deny in part.
- 3) Deny the request.
- 4) Notify the requestor of necessary delay in its processing as provided in Section 3(d) of FOIA [5 ILCS 140/3].
- b) Upon approval of a request for public records, the Department DHS may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of FOIA [5 ILCS 140/3 and 7] and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Secretary of the Department DHS.
- d) Categorical requests creating an undue burden upon the Department DHS shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA [5 ILCS 140/3(f)].
- e) Failure to respond to a written request within 7 working days may be considered by the requestor a denial of the request.

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1176.300 Appeal of a Denial

- a) A requestor, whose request has been denied by the Chief, Office of Press/Communications, Freedom-of-Information-Officer may appeal the denial to the Secretary of the Department DHS. The appeal must be postmarked within 10 working days after the denial. The notice of appeal shall be made in writing to:

Secretary
Department of Human Services
100 South Grand Ave. East
Springfield, Illinois 62762
ATTN: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

Section 1176.310 Secretary's Response to Appeal

The Secretary shall respond to an appeal within 7 working days after receiving notice of the appeal. The Secretary shall either affirm the denial or provide access to the requested public records ~~uphold the appeal~~. The Secretary's response shall state the requestor's right to a judicial review of the decision pursuant to Section 11 of FOIA [5 ILCS 140/11]. Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial by the requestor.

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1176.400 Inspection of Records at Department Offices

- a) Generally, public records will be made available for inspection during normal working hours of the Department BHS-office-where-they-are maintained at the Office of Press/Communications, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762. For purposes of convenience, the Department may request that inspection take place in another Department office location.
- b) Documents that the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Department employees.
- c) An employee of DHS shall be present throughout the inspection. The requestor shall ~~may~~ be prohibited from bringing bags, briefcases or other containers into the inspection room.
- d) ~~Fees--shall be reviewed and exempt or confidential information shall be deleted by a BHS employee before a requestor is permitted access to them--The FBI Officer shall be consulted in cases where BHS staff have questions concerning confidentiality.~~
- e) ~~The requestor shall arrange a time and date to review records that is convenient for the BHS employees who maintain the requested records.~~
- f) ~~Those requestor may not remove records from the BHS-office--except those copies produced and paid for (if applicable per Section 1176.410 of this Part) during the requestor's inspection of the file.~~

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

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Section 1176.410 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due. Payment must be by check or money order--not received within 60 days after BHS has notified the requestor of the charges--BHS shall consider the request withdrawn.
- b) Charges for copies of public records shall be assessed in accordance with Table B of this Part. 30 cents per page for requests of 10 or more pages--No cost will be charged for records containing fewer than 10 pages.
- c) Charges
 - 1) Charges shall ~~may~~ be waived or reduced if the requestor is an employee of a State agency, a constitutional officer, or a member of the General Assembly, or if the response is less than 10 pages in its original format. and for all others whose requests for information are in the public interest (i.e., if the principal purpose of the request is to access or disseminate information regarding the health, safety, and welfare of the general public and is not for the principal purpose of personal or commercial benefit).
 - 2) The requestor states the specific purpose for the request; and
 - 3) The requestor indicates that a reduction of the fees is in the public interest. A reduction of fees is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare of the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

(Source: Amended at 24 Ill. Reg. 13 6 5 8, effective AUG 24 2000)

Section 1176.420 General Materials Available from the Office of Press/Communications Freedom of Information Officer

The Office of Press/Communications Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of the BHS organizational structure and budget of the Department;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by the

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Department, DHS, and
a) A copy of all DHS Administrative Rules.

(Source: Amended at 24 Ill. Reg. 13658, effective
AUG 24 2000)

DEPARTMENT OF HUMAN SERVICES

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Section 1176, TABLE A A Request for Public Records

TO: FROM:
Office of Press/Communications Name:
Ill. Dept. of Human Services Address:
100 South Grand Ave., E., 3rd Flr.
Springfield IL 62762
Attn: FOIA Request Phone:

DESCRIPTION OF REQUESTED RECORDS:

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

Inspection Copy Both

FOR OFFICE USE ONLY:

Date Received Date Response Due
(Source: Added at 24 Ill. Reg. 13658,
effective AUG 24 2000)

DEPARTMENT OF HUMAN SERVICES

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Section 1176, TABLE B Fee Schedule for Duplication of Public Records

Type of Duplication
 Paper copy from paper original
 (Standard 8 1/2" X 11" and
 legal size 8 1/2" X 14")
Per Copy Charge
\$.25 or reduced to \$.15 if the
request is Public interest
(see Section 1176.410)

The Department also possesses records in other forms, including microfiche. A duplication charge for such records will be assessed based upon the actual cost of reproduction.

Some records possessed by the Department are in book and pamphlet form. A charge may be assessed for such materials based upon the cost of such materials incurred by the Department.

(Source: Added 24 Ill. Reg. 13.658, effective
AUG 23, 2000)

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1) Heading of the Part: Administration of Social Service Programs

2) Code Citation: 89 Ill. Adm. Code 130

3) Section Numbers: Adopted Action:
 130.300 Amendment
 130.301 Repealed
 130.302 Repealed
 130.310 Repealed
 130.311 Repealed
 130.312 Repealed
 130.313 Repealed
 130.314 Repealed
 130.315 Repealed
 130.320 Repealed
 130.321 Repealed
 130.322 New Section

4) Statutory Authority: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].

5) Effective Date of Rulemaking: August 23, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 17, 2000 (24 Ill. Reg. 3993)

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The following changes were made in the text of the adopted amendments:

1. "130.322 General Program and Provider Requirements" was added to the Table of Contents.
2. In Section 130.300(a), "(7 CFR 250 and 251)" was added after "(TEFAP)".
3. New Section "130.322 General Program and Provider Requirements" was

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The amendments revise the Emergency Food Assistance Program Provisions.

6) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 130

ADMINISTRATION OF SOCIAL SERVICE PROGRAMS

SUBPART A: TITLE XX BLOCK GRANT PROGRAM

Section
130.10 Program Administration
130.15 Definitions
130.20 Goal of Services
130.25 Service Activities
130.30 Expenditure of Block Grant Funds
130.35 Limitations on Services and Expenditures
130.40 Eligibility For Services
130.45 Opportunity to Apply For and Receive Services
130.46 Client Case Records
130.50 Purchase of Services
130.60 Record Retention
130.70 Fees For Purchased Services
130.71 Fees For Services Provided Through Grants-In-Aid
130.80 Reporting Requirements

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section
130.100 Applicability Of Other Sections
130.110 Overview
130.120 Program Administration
130.130 Request For Proposal
130.140 Allied Agency Responsibilities
130.150 Funding Mechanism
130.152 Sources of Local Funds
130.154 Sources of Locally Generated Funds Used to Match Title XX Funds
130.158 Donor Restrictions on Donations (Repealed)
130.160 Reimbursement Process - Donations (Transferred Funds or Co-Payments)
130.161 Advance Disbursement System
130.162 Reimbursement Process (Certification of Expended Funds)
130.170 Assignment of Budget Costs

SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section
130.200

Domestic Violence Shelter and Service Programs

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

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Section

- 130.300 Program Administration
 130.301 Definitions (Repealed)
 130.302 Allocation Methodology for Federal Surplus Commodities (Repealed)
 130.303 Distribution Network Agencies (Repealed)
 130.311 Local Distribution Centers (Repealed)
 130.312 Liability of Distribution Network Agencies (Repealed)
 130.313 Reports and Maintenance of Records (Repealed)
 130.314 Payment for Distribution (Repealed)
 130.315 Second Harvest Shared Maintenance Fees (Repealed)
 130.320 Eligibility to Receive Commodities (Repealed)
 130.321 Issue Rates of Commodities (Repealed)
 130.322 General Program and Provider Requirements

SUBPART E: SERVICES FOR THE HOMELESS

Section

- 130.400 Emergency Food and Shelter Program

SUBPART F: INCORPORATION BY REFERENCE

Section

- 130.500 Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990; amended at 14 Ill. Reg. 14537, effective August 29, 1990; amended at 15 Ill. Reg. 16111, effective November 1, 1991; amended at 16 Ill. Reg. 13292, effective September 1, 1992; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 93221, amended at 24 Ill. Reg. 13669, effective August 23, 2000.

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section 130.300 Program Administration

- a) The Department shall administer a program for the distribution of

DEPARTMENT OF HUMAN SERVICES

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Federal Surplus Commodities to needy individuals and households made available in the Emergency Food Assistance Program (TEFAP) (7 CFR 250 and 251) (see Section 130.389) by contracting with local governmental units and private, not-for-profit agencies to establish a statewide network for emergency feeding and commodity distribution.

- b) In no instance may fees be assessed against recipients of commodities under the program programs.
- c) The receipt of surplus commodities under this program shall not affect an individual's or household's eligibility for assistance under any other program administered by the Department, and the commodities received shall not be considered as income in determining the level of assistance program benefits to which the individual or household may be entitled.
- d) Participation in political or religious activities or affiliation with any organization shall not be made a condition of eligibility to receive commodities.
- e) Individuals and households shall be eligible to receive Federal Commodities if they meet the following criteria:
 1) reside in Illinois; and
 2) have individual or household income that is no greater than 130% of the federal poverty income levels published annually in the Federal Register by the U.S. Department of Health and Human Services.

(Source: Amended at 24 Ill. Reg. 13669, effective August 23, 2000.)

Section 130.301 Definitions (Repealed)

- a) "Distribution---Network-Agency"---(BNA)---means---a---private---voluntary not-for-profit agency which has a tax-exempt status or governmental agency legally authorized to operate within the State of Illinois with which the Department has a contract to distribute commodities in a designated geographic area.
- b) "Local Distribution Center"---(LDC)---means---a---private---not-for-profit---or local government agency which distributes Federal Surplus Commodities to eligible recipient households under contract to a Distribution Network Agency.
- c) "Mass Distribution" is primarily that distribution which is performed periodically to a mass assembly gathered at an appointed place and time and may include pre-registration of eligible households and home delivery to shut-ins.
- d) "Pantry Allocation" means that portion of Federal Surplus Commodities available to the State which are allocated through Emergency Food Pantries for distribution.
- e) "Pantry Distribution"---means---distribution---of---Federal---Surplus Commodities to individual households or families through an Emergency Food Pantry which provides staple foodstuffs has regular hours and

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food available on a continuous basis and has foods available in addition to Federal Surplus Commodities.

f) Second Harvest means the National Association in which Food Banks must have recognized standing and membership in order to apply to assess a shared maintenance fee to its membership for receipt of Federal Surplus Commodities.

(Source: Repealed at 24 Ill. Reg. 13 6 9, effective AUG 23 2000)

Section 130.302 Allocation Methodology for Federal Surplus Commodities (Repealed)

a) Allocation of Federal Surplus Commodities (FSC) shall be by geographic areas designated by the Department:

b) Designation of Geographic Areas:

1) Boundaries of geographic areas for the counties of Cook and St. Clair shall be coincident with the boundaries of local offices of the Department and/or city/county lines;

2) The boundaries for geographic areas for the remainder of the counties shall be by county line;

c) Allocation Formula:

1) A county shall receive a periodic allocation of commodities in an amount which bears the same ratio to the total of available commodities as the distribution population eligible to receive food stamps bears to the population of Illinois who are eligible to receive food stamps;

2) The percentage allocation will be recomputed not less often than semi-annually and shall be based on the then most current month for which data regarding the Food Stamp Program are available;

3) The allocation for Cook County shall be further subdivided by providing each geographic area identified by a U.S. Postal Service ZIP Code with an allocation of the total of available commodities allocated to Cook County which bears the same ratio as the number of eligible food stamp recipients within the geographic area bears to the county as a whole;

4) The allocation for St. Clair County shall be further subdivided by providing each geographic area designated by the Department with an allocation of the total of available commodities allocated to St. Clair County which bears the same ratio as the number of food stamp recipients in the geographic area bears to the county as a whole;

(Source: Repealed at 24 Ill. Reg. 13 6 9, effective AUG 23 2000)

Section 130.310 Distribution Network Agencies (Repealed)

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a) Distribution Network Agencies (DNA's) shall be selected by the Department through a request for proposal process.

b) Requests for proposals will be announced by newspaper publication and will be sent to all agencies currently serving as DNA's or which have expressed an interest in being a DNA by contacting the Department.

c) Agencies may make application to act as a DNA for one geographic area or several.

d) Agencies may make application to provide mass distribution or pantry distribution.

e) In order to serve as a DNA, an agency must assure the Department that it:

1) has the ability to serve the geographic area for which it is bidding either directly or through subcontractors with sufficient distribution sites to allow eligible recipients access to the program without unreasonable travel requirements;

2) will locate distribution sites in areas readily accessible to the target population;

3) will serve all eligible persons;

4) has the ability to distribute all available commodities in an orderly fashion;

5) has the ability to determine the eligibility of each applicant in accordance with the provisions of Section 130.330;

6) will maintain required fiscal, inventory, and distribution records;

7) has the ability to properly store all products received and to assure maintenance of quality and provision of adequate security;

8) has the ability to provide for program publicity throughout the geographic area to inform as many potential program participants as possible of the availability of the program;

9) maintains an agency policy and practice of nondiscrimination;

10) has procedures for receipt, investigation and resolution of complaints;

11) will not diminish the agency's historic level of expenditure for food prior to the receipt of commodities and will use commodities to supplement other food sources;

12) will enter into a written contractual agreement with the Department which includes the terms and conditions specified above; and

13) when application is made for pantry distribution will assure that DNA's shall meet the criteria included in the definition of Emergency Food Pantry.

f) Applications will be considered only from responsible applicants and must contain a responsive proposal. A responsible applicant is one that has the capacity to perform all aspects of the contract at the time of award or execution of the contract whichever is later. A responsive proposal is one that responds to all requirements of the Request for Proposal and is received by the date and time set forth in the Request. The Department will select those applicants judged best

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- able to carry out the provisions set forth in (f) above.
- g) Applicants who respond to a Request for Proposal and are not awarded a contract have the right to protest the decision not to award a contract, in considering protests, the Department will follow 44 Ill. Adm. Code 1.1 Subpart 9. Applicants may request the score on their proposal only. Protests or objections must be made in writing and received by the Department no later than 7 calendar days from the action objected to. A written response will be provided to bid protests or objections that are timely filed. The decision of the Department on a bid protest or objection is final.
- h) The Department has the right to terminate a contract immediately if the terms and conditions of the contract are breached. A contract may be terminated by either party upon 30 days advance written notice.
- i) A contractor shall notify the Department within 5 days if it becomes insolvent, files for bankruptcy or is declared bankrupt or makes an assignment for the benefit of creditors.

(Source: Repealed at 24 Ill. Reg. 13 6 6 9, effective AUG 23 2000)

Section 130.311 Local Distribution Centers (Repealed)

- BNA's may subcontract with local distribution centers (LDC's) to assist them in the distribution process.
- a) LDC's must be not-for-profit agencies or local governmental units.
- b) Subcontracting with an LDC shall not relieve a BNA of its liability or responsibility for any commodities which may be transferred under a subcontracting agreement.
- c) The Department has the right of approval of LDC's and of any subcontractors which may be entered into between BNA's and LDC's.
- d) LDC's may provide distribution to eligible households either through emergency pantries or mass distribution.

(Source: Repealed at 24 Ill. Reg. 13 6 6 9, effective AUG 23 2000)

Section 130.312 Liability of Distribution Network Agencies (Repealed)

- a) Each BNA shall be liable for loss, theft, damage or deterioration of Federal Surplus Commodities while they are in possession of the BNA and for distribution to non-eligible households through failure to conform to the requirements of Section 130.320(c).
- b) BNA's may self insure or obtain insurance (e.g., liability insurance, letter of credit, security bond) to cover the potential loss of responsibility but in either case must show proof of financial responsibility at least equal to the maximum value of commodities which may be in possession at any given time during the contract period.

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- c) Sale or other disposal of commodities into commercial channels is strictly prohibited. The sale, exchange or use of commodities for personal gain or any other form of fraud or abuse is subject to Federal and State prosecution. Commodities shall not be distributed in conjunction with any political activity, partisan or otherwise.

(Source: Repealed at 24 Ill. Reg. 13 6 6 9, effective AUG 23 2000)

Section 130.313 Reports and Maintenance of Records (Repealed)

- a) Each BNA shall be responsible for the maintenance of accurate and complete records on all Federal Surplus Commodities received and distributed and for reporting to the Department for any month the BNA receives, distributes or has inventory on hand:
- i) the amounts of each commodity distributed to each Distribution Center;
 - ii) any remaining inventory;
 - iii) any losses during the reporting period; and
 - iv) the number of households served.

- b) Each BNC shall be responsible for obtaining accurate and complete records pertaining to households that receive Federal Surplus Commodities and for submitting household participation records to the BNA upon request. Individual household recipient records will include:
- i) name and address;
 - ii) number of persons in the household;
 - iii) date, type and amount of commodity received; and
 - iv) method of establishing eligibility.

- c) Each BNA which receives reimbursement for distribution costs and all Second Harvest Food Banks which assess a shared maintenance fee shall submit a cost report on a quarterly basis. This report shall be in a format prescribed by the Department and shall include all income and allowable costs associated with commodities received under the program. Allowable costs are those that are directly related to the operation of the commodities distribution program. Documentation to substantiate reported costs shall be maintained by each BNA. Records are to be maintained for a period of 3 years from the close of the federal fiscal year to which they pertain.

(Source: Repealed at 24 Ill. Reg. 13 6 6 9, effective AUG 23 2000)

Section 130.314 Payment for Distribution (Repealed)

Based upon the availability of Federal funds, the Department will make available at least 40 percent of the Federal administrative funds provided by

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the United States Department of Agriculture to pay for delivery of commodities to DNA's and to help offset the costs of distribution, the amount which may be paid to a DNA may not exceed the actual allowable costs (see Section 130-333(c)) incurred by the DNA in fulfilling its distribution responsibilities.

(Source: Repealed at 24 Ill. Reg. 13669, effective AUG 23 2000)

Section 130.315 Second Harvest Shared Maintenance Fees (Repealed)

The Department will approve a maintenance fee assessed to user organizations by a food bank affiliated with Second Harvest, the fee along with all other program income, shall not exceed those actual allowable costs (See Section 130-333(c)) incurred by the food bank in carrying out its responsibilities associated with the program.

(Source: Repealed at 24 Ill. Reg. 13669, effective AUG 23 2000)

Section 130.320 Eligibility to Receive Commodities (Repealed)

a) Individuals and households shall be eligible to receive Federal Surplus Commodities if they meet the following criteria:

- 1) Individual or household income is at or below 125 percent of the currently applicable Federal Poverty Income Guidelines which are revised annually and published in the Federal Register.
- 2) The Department shall promptly notify each DNA in writing of any changes in the Federal Poverty Income Guidelines annually after they become available.
- 3) The distribution agency either DNA or HBE, will determine eligibility of each individual and household which applies to the following methods:
 - 1) Verification of current status as a recipient of financial assistance under a program of Aid to Families with Dependent Children (AFDC), General Assistance (GA) or other program for which the income eligibility standard is at or below 125 percent of the Federal poverty level; or
 - 2) Self-declaration by the applicant that the total individual or household income based on family size is within the eligibility limits.
- 4) Participation in political or religious activities or affiliation with any organization shall not be made a condition of eligibility to receive commodities.

(Source: Repealed at 24 Ill. Reg. 13669, effective AUG 23 2000)

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Section 130.321 Issue Rates of Commodities (Repealed)

Individuals or households which are determined eligible to receive commodities shall receive available commodities in amounts consistent with the amount of each product available and the size of the household unit. If distribution is less than monthly, issue rates may be increased proportionately.

Commodity 1-2 persons ---3-5 persons ---7+ persons

Raisins	1 package	1 package	1 package
Cornmeal	1 package	1 package	1 package
Honey	1 package	2 packages	3 packages
Peanut Butter	1 package	2 packages	3 packages
Pork	1 package	2 packages	3 packages
Vegetarian			
--Beans	1 package	2 packages	3 packages
Butter	2 packages	3 packages	4 packages
Green Beans	1 package	2 packages	3 packages
Flour	2 packages	3 packages	4 packages

(Source: Repealed at 24 Ill. Reg. 13669, effective AUG 23 2000)

Section 130.322 General Program and Provider Requirements

a) Program Reports

- 1) The provider shall submit reports to the Department no later than 21 days after the end of each month.
- 2) The monthly report will include the following information:
 - A) a completed DHS 3121, Foodbank Monthly Report, containing a record of all commodities received and dispersed, the total number of households and meals served, beginning and ending inventory information and a statement of total net weight pounds of commodities distributed;
 - B) a copy of the USDA shipping notices and/or invoices from the Department contracted warehouse and trucking company;
 - C) a completed DHS monthly expenditure report.
- 3) Further food deliveries or payments may not be made if the required reports are not submitted within the specified time frames.

b) Distribution

- 1) Selection of Distribution Sites
 - A) The provider shall have the right to enter into written subcontracts with distribution sites for the purpose of assisting in the distribution of foods received under this program. DHS reserves the right to approve all sites subcontracted for distribution of commodities.
 - B) The provider has responsibility for distributing commodities to the distribution site; monitoring distribution site

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activities for compliance with all applicable rules, regulations and policies; and training distribution site staff.

- C) All agreements with distribution sites shall be in writing and a copy of the agreement shall be available for review by DHS.

- D) The Department is to be notified immediately, in writing, of distribution site additions or cancellations. The Department reserves the right to exclude any distribution site from program participation.

2) Operating Hours

The provider will be required to submit to the Department the operating schedule for each distribution site in the program. Sites must be open a minimum of 2 hours weekly unless a specific exemption is granted to the site by the Department as a rural exemption.

3) Allocation Plan

- A) The provider will provide each county in its service area the amount of USDA commodities as specified in the Department's monthly allocation notices.

- B) The provider must have an allocation plan based upon objective service data to determine the amount of commodities that distribution sites within each county receive. Service data includes the number of households or individuals served in food pantries and the number of meals served in soup kitchens.

4) Public Outreach

The provider and its distribution sites must conduct public outreach activities throughout its jurisdiction that encourage participation and inform potential participants of the availability and hours of operation of the distribution site.

5) Recipient Eligibility

The provider must agree to adhere to the income eligibility guidelines as specified by the Department as a basis for the determination of eligible households.

6) Monitoring of Distribution Sites

- A) The provider is responsible for program oversight of contracted distribution sites.

- B) The provider must assure that commodities reach eligible households and individuals without waste or fraud.

- C) All distribution sites under contract with the provider must be monitored at least once every two years by the provider.

7) Receipt, Storage and Delivery Specifications

- A) The provider will assure that all commodities are held in a secure, adequate and proper storage facility prior to distribution.

- B) The provider will comply with storage directives, fact sheets, and storage handbooks as compiled and issued by the

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USDA, Rules and Regulations of the Illinois Department of Public Health, Division of Food and Drugs, and any specific directions of the Department.

- C) The Department reserves the right to approve commodity distribution sites and storage facilities prior to awarding any contract and during the contract year.

c) Administrative Recordkeeping

- 1) The provider shall maintain accurate and complete books and records pertaining to the provider's operations.

- 2) The records shall include, but not be limited to, commodity receipts, disbursements, inventory controls, distribution site operations, provider operational expenses and documentation of expenditures incurred.

- 3) Distribution sites are responsible for collecting the names, addresses, and signatures of individuals receiving commodities and the client attestation of income eligibility.

- 4) Distribution sites must report the number of households served each month or the number of meals served each month, as applicable.

d) Department Monitoring

Representatives of the Department may perform periodic monitoring reviews, during normal business hours, of the management practices, fiscal procedures or any other aspects of the operations of the provider and its distribution sites.

e) Liability

- 1) The provider shall be responsible for the safekeeping of commodities. This responsibility shall be limited to loss or damage caused by failure to provide proper storage, care and handling.

- 2) The provider shall be responsible for assuring that distribution sites provide proper handling, care and storage of commodities.

- 3) The provider will assume liability for loss of USDA donated foods caused by failure to provide proper storage, care or handling; theft; fire; and natural occurrences.

- 4) Losses at or above \$100 must be immediately reported to the Department.

- 5) The provider may be financially responsible for the value of commodity losses.

- f) The sale or other disposal of commodities into commercial channels is strictly prohibited.

g) Complaints

The provider shall maintain procedures for handling, investigating and resolving complaints. All complaints shall be immediately forwarded to the Department. The provider and all of its distribution sites further agree to cooperate fully with the Department in the investigation of all complaints received in connection with the distribution of commodities.

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(Source: Added at 24 Ill. Reg. 13609, effective AUG 23 2000)

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- 1) Heading of the Part: Public Information, Rulemaking, Department Organization
- 2) Code Citation: 2 Ill. Adm. Code 1175
- 3) Section Numbers: Adopted Action:
1175.75 Amend
1175.100 Amend
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].
- 5) Effective Date of Amendment: August 24, 2000
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 2/18/00, 24 Ill. Reg. 2573
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
In Section 1175.75, reinstated "a)" and added "The Department shall charge the actual cost of reproduction for materials requested under this Part."
In Section 1175.75, deleted "a)" and reinstated "b)".
In Section 1175.75, struck "a reasonable fee" and added "the actual cost of reproduction".
In Section 1175.75, deleted "usual".
In Section 1175.75, deleted "b)" and reinstated "c)".
In Section 1175.75, changed "usual fees" to "actual cost of reproduction".
Reinstated Section 1175.75 (d).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendment: This rulemaking revises the Department of Human Services "Public Information" rules to reflect changes in the Department organization and to clarify the rules.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg. 62762
Springfield, Illinois (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1175
PUBLIC INFORMATION, RULEMAKING, DEPARTMENT ORGANIZATION
SUBPART A: PUBLIC INFORMATION

Section
1175.30 Public Information Materials
1175.75 Fee Schedule
1175.100 Additional Sources of Information

SUBPART B: RULEMAKING

Section
1175.200 Definitions
1175.210 Recommendations for DHS Administrative Rules Development
1175.220 Review of Recommended Rulemaking
1175.230 Rule Development
1175.240 Rule Approval

SUBPART C: DEPARTMENT ORGANIZATION

Section
1175.700 Secretary
1175.710 Staffing

ILLUSTRATION A Organizational Chart

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 8 Ill. Reg. 9117, effective June 15, 1984; amended at 8 Ill. Reg. 16838, effective September 14, 1984; amended at 10 Ill. Reg. 20744, effective December 2, 1986; amended at 13 Ill. Reg. 8604, effective May 23, 1989; recodified from Department of Mental Health and Developmental Disabilities to Department of Human Services at 21 Ill. Reg. 9327; old Part repealed at 23 Ill. Reg. 5254 and new Part adopted at 23 Ill. Reg. 5256, effective April 12, 1999; amended at 24 Ill. Reg. 10609, effective AUG 24 2000.

SUBPART A: PUBLIC INFORMATION

Section 1175.75 Fee Schedule

a) The Department shall charge the actual cost of reproduction for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Materials requested under this Part. The Department shall provide--up to--26--pages--of--materials--free--of--charge--Per--requests--for--records exceeding--20--pages--the--Department--shall--charge--\$.25--per--page--Checks for--these--materials--should--be--made--payable--to--the--Department--of--Human Services--Division--of--Communications--

- b) Copies of the Department's Manuals and Handbooks may be purchased from the Department for the actual cost of reproduction a--reasonable--fee. In cases where it is determined to be in the public interest to release requested manuals or handbooks, the Department may waive the fees. there--will--be--no--charge--the--fees--are:

Manuals - \$45--and--an--annual--rate--of--\$.93

Handbooks--\$20--and--an--annual--rate--of--\$.93

- c) Illinois State government agencies and legislative boards and commissions may receive one free copy of Department manuals on request. They may receive All additional copies for the actual cost of reproduction shall--be--charged--for--at--the--rates--established--in subsection--(b).

- d) Requests for Department manuals shall be made in writing to:

Bureau of Administrative Rules and Procedures
Harris II, 3rd Floor
100 S. Grand Ave. East
Springfield, Illinois 62762
Telephone: (217) 785-9772

(Source: Amended at 24 Ill. Reg. 13683, effective AUG 1 2000)

Section 1175.100 Additional Sources of Information

- a) Specific requests for information regarding DHS services and programs may be directed to:

Division of Communications
Department of Human Services
Harris II-3rd Floor
100 South Grand Ave-East
Springfield, Illinois--62762

- b) Questions relating to eligibility for DHS programs or services should be directed to the local DHS field office.

(Source: Amended at 24 Ill. Reg. 13683, effective AUG 1 2000)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services

- 2) Code Citation: 89 Ill. Adm. Code 590

- 3) Section Numbers:
590.260
Adopted Action:
Amended

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

- 5) Effective Date of Amendment: August 23, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 28, 2000, 24 Ill. Reg. 6635

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: In Section 590.260 (a), changed "will" to "plan to" and in Section (b), changed "will" to "shall".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency rulemaking currently in effect?
Yes

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
590.20	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.40	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.70	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.80	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.130	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.220	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.230	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.240	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.250	Emergency Amend	24 Ill. Reg. 10049 7/14/00
590.270	Emergency Amend	24 Ill. Reg. 10049 7/14/00

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590.280 Emergency Amend 24 Ill. Reg. 10049 7/14/00
 590.290 Emergency Amend 24 Ill. Reg. 10049 7/14/00
 590.310 Emergency Amend 24 Ill. Reg. 10049 7/14/00
 590.600 Emergency Amend 24 Ill. Reg. 10049 7/14/00

15) Summary and Purpose of Rulemaking: This rulemaking revises the rules covering summer school attendance by customers of the ORS vocational rehabilitation program. The previous wording of the rule was applied inconsistently. This amendment adds back limitations to the use of summer school to assure the policy is being applied in a manner that does not harm customers.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 217/785-9772

The full text of adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section	General Applicability
590.10	Availability of Services
590.20	Effect of Financial Status on Services
590.30	Effect of Comparable Benefits
590.40	Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section	Provision of Services
590.50	Qualification of Medical and Psychological Service Providers
590.60	Treatment of Acute Conditions
590.70	Medication and Treatment
590.80	Hearing Aids
590.90	Binaural Hearing Aids
590.100	Speech and Language Services
590.110	Low Vision Aids
590.120	Mental Restoration Services
590.130	Heart Surgeries
590.140	Kidney Transplant and Related Services
590.150	Chiropractic Services
590.160	Prosthetic and Orthotic Device
590.170	Wheelchairs
590.180	Prohibited Services
590.190	

SUBPART C: TRAINING AND RELATED SERVICES

Section	Provision of Services
590.200	Qualification of Training Facilities/Institutions
590.210	Purpose and Types of Training
590.220	Financial Guidelines for Training Services
590.230	Graduate School Training
590.240	Choice of Training Facility/Institution
590.250	Summer School
590.260	Grades
590.270	Health Status
590.280	On-the-Job Training
590.290	

DEPARTMENT OF HUMAN SERVICES
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590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DHS-ORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
590.460 Types of Services
590.470 Services/Equipment
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services (Repealed)
590.510 Definitions (Repealed)
590.520 Purpose of Equipment Loans (Repealed)
590.530 Criteria for Loan of Equipment/Aids (Repealed)
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
590.550 Duration of Loans (Repealed)
590.560 Maintenance and Return of Equipment/Aids (Repealed)
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF HUMAN SERVICES
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SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
590.660 Definitions
590.670 Determination of the Need for Maintenance
590.675 Determination of Client Financial Participation in Maintenance
590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
590.710 Definitions
590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
590.740 Definitions
590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995, amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

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effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13687, effective August 23, 2000.

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.260 Summer School

Summer school shall be provided only for those customers who:

- a) plan to graduate at the conclusion of the summer term, or
- b) must complete a course sequence for a degree/graduation requirement and the particular course is offered only during the summer term. The customer shall take a full course load relevant to the requirements of the customer's degree during the summer term.

Summer school may be provided to a customer who, based upon his/her counselor's assessment of the individual circumstances, would benefit from attending summer school.

(Source: Amended at 24 Ill. Reg. 13687, effective August 23, 2000.)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: Adopted Action:
350.280 Amended
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].
- 5) Effective Date of Rulemaking: August 23, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 7459 (May 19, 2000)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: No substantive changes have been made in the text of the proposed amendments
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking updates the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 of the Health and Safety Act mandates IDOL's adoption of all federal occupational safety and health standards (OSH rules) promulgated, modified, or revoked by the U.S. Secretary of Labor, unless the State already has in place alternative rules that are at least as effective as the OSH rules. See 820 ILCS 225/4 (d) (2000). Adoption of these rules ensure that: (1) public sector workers have the same level of protection afforded to private sector workers within the State of Illinois; and (2) Illinois' public sector employers benefit from the elimination, updating and clarification of the OSH rules that IDOL previously adopted.

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16) Information and questions regarding this adopted amendment shall be directed to:

William Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza
Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (teifax)

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.195	Advisory Inspections
350.200	

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Recordable Injuries and Illnesses
350.220	Log of Injuries and Illnesses
350.230	Supplementary Record of Injuries and Illnesses
350.240	Annual Summary
350.250	Retention of Records
350.260	Access to Records
350.270	

SUBPART C: FEDERAL STANDARDS

Section	Adoption of Federal Standards
350.280	

DEPARTMENT OF LABOR

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AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 24 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective June 2, 2000.

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

a) Incorporations

1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective August 27, 1999 and amended at FR64:46846; FR64:12252; FR64:13897. ~~March 17, 1999 and amended at FR63:19197; FR63:38137; FR63:28098; FR63:34450; FR63:35137; FR63:50717; FR63:66018; FR63:66230.~~ These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.

2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) are incorporated into this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <<http://www.osha-slc.gov/SUTC/respiratoryprotection/index.html>>.

(Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998)).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

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Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999).

3) The following interpretation of 29 CFR 1910 and 1926 Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998, no later amendments or editions), 29 CFR 1915 and 1926 Occupational Exposure to Asbestos (1998, no later amendments or editions), 29 CFR 1910 Methylene Chloride (1998, no later amendments or editions), 29 CFR 1910 Permit-Required Confined Spaces (1998, no later amendments or editions), 29 CFR 1910, 1915, 1917, 1918, and 1926 Powered Industrial Truck Operator Training (1999, no later amendments or editions), are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <<http://www.osha.gov/comp-links.html>>.

Preamble: Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998).

Preamble: Occupational Exposure to Asbestos, 63 Fed. Reg. 35137 (June 29, 1998).

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998).

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998).

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66230 (Dec. 1, 1998).

4) The following interpretation of 29 CFR 1910 Dipping and Coating Operations (1999, no later amendments or editions), is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <<http://www.osha.gov/comp-links.html>>.

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Preamble: Dipping and Coating Operations, Final Rule, 64 Fed. Reg. 13897 (March 23, 1999).

- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR ~~Part~~ 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR ~~Part~~ 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 24 Ill. Reg. 13698, effective July 23, 2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.20	Amendments
130.40	Amendments
130.50	Amendments
130.70	Amendments
130.80	Amendments
130.100	Amendments
130.130	Amendments
130.140	Amendments
130.150	Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act (20 ILCS 835/1 and 4(1) and (5)), and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois (20 ILCS 805/63a23 and 63a28).

- 5) Effective Date of Amendments: August 23, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: June 9, 2000, 24 Ill. Reg. 7939

- 10) Has JCARR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version:

Section 130.40(a) - changed "departmentally" to "Departmentally" and changed "to include" to "including".

Section 130.50(a) - "with the camp shelter in place" was added following "camp is established" and "and establish camping with camp shelter immediately" was removed.

Section 130.70(a)(1)(J) - changed "department's" to "Department's"

Section 130.140(c) - removed "as determined by Department personnel."

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 130
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	Location
130.10	Purpose of Campground
130.20	Classification of Camps by Equipment Used - Definitions
130.30	Definition of a Camp
130.40	Registrations
130.50	Permits, Extensions and Time Limits
130.60	Fees and Charges
130.70	Refunds
130.80	Check-in and Check-out Times
130.90	Unoccupied Camps
130.100	Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.110	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.120	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.130	Campground Host Program
130.135	Use of Campground
130.140	Violation of Rule
130.150	Eviction

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14566, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg.

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Section 130.140(e) - changed "animal(s)" to "animals" and changed "department" to "Department" in two places.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to clarify regulations and add a definition for class AA Sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

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9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 1369, effective AUG 23 2000.

Section 130.20 Purpose of Campground

Campgrounds on lands managed by the Department of Natural Resources are established for the convenience and enjoyment of outdoor recreation by the visiting public. Illinois Department of Natural Resources' campgrounds are not places for permanent or semi-permanent residences, bases for operations or a business, or facilities for non-camper residences. All campground amenities are for the sole purpose of registered camping parties (i.e., showers, dump stations, dumpsters, etc.).

(Source: Amended at 24 Ill. Reg. 1369, effective AUG 23 2000.)

Section 130.40 Definition of a Camp

- a) "Camp" means a single family or group occupying one site that is a designated individual site within a Departmentally managed site, established and maintained for the sole purpose of camping, including the use of tents, trailers or any other type of camping device shelter.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of 4 adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed 4 occupants. (Except for Rent-A-Camp sites with an extra large tent which would not exceed 8 occupants and a campground cabin would not exceed 6 occupants.)
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing. ~~It may consist of sleeping-bag, tent, hammock, station wagon, tent, trailer, bus, tarp, car or boat.~~
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate camps. (Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter); or a group of no more than 4 occupants may occupy up to 2 or 4 one-man tents on a single campsite.
- f) In no case will 2 or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one

DEPARTMENT OF NATURAL RESOURCES

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camp will be permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by department staff.

(Source: Amended at 24 Ill. Reg. 1369, effective AUG 23 2000.)

Section 130.50 Registrations

- a) A permit will be issued and fees collected at the time the camp is established with the camp shelter in place or as soon as possible thereafter (see Sections 130.70 and 130.80). A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance with the rules and regulations of the park for the party.
- b) The camping attendant has the authority to assign sites.
- c) ~~A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance to the rules and regulations of the park for the party.~~
- c) ~~Curfew: the provisions of Section 1 of the Child Curfew Act [720 ILCS 555/1] with reference to curfew for persons under the age of 17 years are in effect on Department of Natural Resources' properties.~~
- e) ~~The camp shelter or any other camping equipment shall not be brought into the park prior to the arrival of the camping party.~~
- d) ~~No camping equipment shall be placed on any campground site while that site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.~~
- e) ~~In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).~~
- f) ~~Reservations will be accepted at selected sites offering reservation service. A \$5 non-refundable fee must be submitted for each site reserved. The reservation fee shall be the applicable first night's camping and utility fee in addition to the \$5 per campsite non-refundable fee and is required at the time reservation is made for individual campsite reservations. The reservation fee insures that a reserved campsite will be held until 3:00 p.m. of the next day assuring reservation holders of a campsite in the event of late arrival.~~

(Source: Amended at 24 Ill. Reg. 1369, effective AUG 23 2000.)

Section 130.70 Fees and Charges

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- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:

- 1) Spring - Summer Camping (May 1 through September 30)
 - A) Class A Sites: Camping fee of \$12 per night per site, \$3 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.
 - B) Class A Sites: Camping fee of \$8 per night per site, \$3 utility fee. Sites having availability to showers, electricity and vehicular access.
 - C) Class B-E Sites: Camping fee of \$7 per night per site, \$3 utility fee. Sites having availability to electricity and vehicular access.
 - D) Class B-S Sites: Camping fee of \$8 per night per site. Sites having availability to showers and vehicular access.
 - E) Class C Sites: Camping fee of \$7 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
 - F) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
 - G) Youth Group Camping: \$1 per person, minimum daily fee of \$10.
 - H) Adult Group Camping: \$2.50 per person, minimum daily camping fee of \$20.99.
 - I) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs, a deposit of \$40 will be required before confirmation of a reservation. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be \$45 per day.
 - J) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the fee

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- for the Camp A Campsite.
 Rent-A-Camp Tent at Class A Sites:
 \$8 or \$12 plus \$3 utility fee and \$8 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.
- E) Rent-A-Camp Cabin areas will provide, at an additional fee of \$24 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee of \$24 per night in addition to the fee for the class of the camping site on which the Rent-A-Camp Cabins are located.
 Rent-A-Camp Cabins at Class A Sites:
 \$24 cabin rental plus \$3 utility fee and \$8 camping fee per night, per site at all sites having availability to showers and vehicular access.
- L) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made for individual campsite reservations.
 The Rent-A-Camp Cabin and Tent reservation fee for each cabin/tent will be the applicable first night's cabin/tent rental, camping and utility fees if applicable, in addition to the \$5 per campsite non-refundable reservation fee, and is required at the time reservations are made for individual Rent-A-Camp Cabin and Tent campsites.
- 2) Fall - Winter Camping (October 1 through April 30)
 - A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in Class A, A or B-S campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
 - b) Exceptions: Employees, Concessionaires, and Special Legislation
 - 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping

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fee.

2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4b] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the regular party. All other members must be registered and pay the regular camping fee for the facilities provided.

A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday, or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 24 Ill. Reg. 13 6 9, effective Aug 23 2000)

Section 130.80 Refunds

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- a) A refund of camping and utility fees for unused time shall be made, within 7 days after departure, upon the request of the registered camper. No personal check refunds shall be made sooner than 10 days after the check has been deposited to insure clearance. Refunds will be made in the field out of current cash receipts. Refunds for Camper's Permit will be prepared and appropriate copies submitted to accounting.
- b) Refund forms must be completed whenever a camper requests a refund for the unused portion of this camping permit.
- c) The person requesting the refund must show identification at the time of the refund.
- d) The camper's copy of the permit must be surrendered at the time of the refund.
- e) Rent-A-Camp reservation fees will not be refunded by the Department.
- f) No refunds will be made for reservation fees unless the campground is closed by the Department.
- g) The deposit required for organized group camps at Pere Marquette and Dixon Springs will be non-refundable unless notice of cancellation is received by 30 days prior to reservation date.
- h) There is no refund of the first night's cabin/tent fee or camping and utility fee made as part of a campsite reservation that is canceled less than 3 days prior to the date of arrival.

(Source: Amended at 24 Ill. Reg. 13 6 9, effective Aug 23 2000)

Section 130.100 Unoccupied Camps

a) A camper may leave his camp unoccupied at his own risk--for no more than 24 hours--during the period between May 1 and September 30--the permit will be revoked for any camp which is continuously vacant for longer than 24 hours--No refund will be issued in this case.

a)b) A Bunting--the--period--between--October 1 and April 30--a camper may leave his camp unoccupied at his own risk by paying the camping fee and, if at a site with utilities, the utility fee for the entire period covered by the permit, within the limits set by Section 130.60), when notification has been given to the site superintendent.

b)c) A camp is deemed to have been abandoned if a camper does not appear to remove his camping equipment within 24 hours of the expiration of his camping permit. When a camp is abandoned, staff will attempt to call the owner at the phone number associated with the license plate number of the camping vehicle. Following this effort, the camp equipment will be inventoried by park staff with an authorized peace officer and it will be removed to a place for safeguarding in the maintenance area for storage. If the owner cannot be located within 30 days, it will be sent to the Law Enforcement Division of the Department for disposal under the rules of abandoned property. Law Enforcement Disposition of Property Act [625 ILCS 1030] and the

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Illinois Vehicle Title and Registration Law [625 ILCS 5/Ch. 4, Art. II].

(Source: Amended Aug 23 2000 at 24 Ill. Reg. 1369, effective Aug 23 2000)

Section 130.130 Organization Group Camps (charter organizations, ROTC, private clubs or others)

- a) The organized group camping areas are available for camping without showers or electricity. Other forms of camps will be placed in the appropriate sites on an individual and equal basis with other campers. An organized group camp is a group of 10 or more adults (18 years of age or older) with or without children.
- b) The regular camping fee will be charged on the basis of: \$263+80/person, or a minimum of \$2099+80 a day.
- c) If the organized group camping area is unavailable, the organization will be accommodated only as individual campers and will use the regular campgrounds on an equal basis with other campers. The camping fee and utility fee applicable to the campsite classification will be charged for each campsite used by the group.

(Source: Amended at 24 Ill. Reg. 1369, effective Aug 23 2000)

Section 130.140 Use of Campground

- a) Campsites shall not be used for large group gatherings or parties.
- b) The use of a registered motor vehicle in a campground is only for the purpose of establishing a camp and for transportation in and out of the campground.
- c) Quiet hours shall prevail in the campground between 10:00 p.m. and 7:00 a.m. During this time no noise or light shall be emitted beyond the individual's immediate campsite that would be disturbing to others. Generators--machinery--or--mechanical--equipment--including radios--cass--tapes--or--television--devices--shall--not--emit--sound--or--light--outside--the--individual's--immediate--campsite--or--pad--after 10:00 p.m. or before 7:00 a.m. daily that would be disturbing to other campers. No person shall at any time use outside electronic equipment or electrical speakers at a volume which emits sound beyond the immediate camp or picnic site without specific permission of the Site Superintendent.
- d) Fires are allowed in stoves or designated areas only. Large bonfires are not permitted without permission of the Site Superintendent.
- e) Pets -- The camper is responsible for all dogs, cats or other small animals under his ownership or care. No pets will be allowed in the interior of Rent-A-Camp Cabins. All animals must be on a leash not to exceed 10 feet. All leashed animals shall be at all times under the

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direct control of the owner or person designated by the owner. Animals are not to be left unattended. Owners are responsible to make sure that their animals ~~animals~~ do not cause a nuisance to other campers as determined by Department personnel. Excrement of these pets shall be removed from the campsite by the owner. Disposal shall be made directly into a Department department garbage container with tight fitting lid, or excrement shall be placed in a water tight bag that has been closed or a water tight container with lid closed and placed in a department trash receptacle.

- f) Smoking - Smoking is not allowed in cabins designated as no smoking.

(Source: Amended at 24 Ill. Reg. 1369, effective Aug 23 2000)

Section 130.150 Violation of Rule

- a) For violation of these rules and regulations, a camper is subject to eviction. The camper at the demand of the Department department, shall remove all equipment and personal property.
- b) The Department may refuse to permit a person camper to re-enter the eviction site/park for a period of up to 90 36 days from such eviction.
- c) No refunds will be granted in such cases.
- d) Any person who violates any provision of this Part shall be guilty of a Class B Misdemeanor.

(Source: Amended Aug 23 2000 at 24 Ill. Reg. 1369, effective Aug 23 2000)

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- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers: Adopted Action:
1150.80 Amendment
- 4) Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305]
- 5) Effective Date of Amendment: August 28, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 21, 2000,
at 24 Ill. Reg. 6479.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Provisions were made for multiple managing agents of firms.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JACH? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes, at 24 Ill. Reg. 12366.
- 15) Summary and Purpose of Amendment: Public Act 91-133, effective January 1, 2000, is the sunset reauthorization of the Illinois Architecture Practice Act of 1989. Among its changes were revisions concerning professional design firm registration; this adopted rulemaking accomplishes those changes. Architectural firms currently licensed as professional service corporations will now instead be required to be licensed as professional design firms.
- 16) Information and questions regarding this amendment shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney

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320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendment begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150
 ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section	Education Requirements and Diversified Professional Training Requirements
1150.10	
1150.20	Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30	Application for Licensure by Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.75	Fees
1150.80	Professional Design Firm
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90	Standards of Professional Conduct
1150.95	Architecture Complaint Committee
1150.100	Renewals
1150.110	Granting Variances

ILLUSTRATION A Architect Seal Requirements

APPENDIX A Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982; for a maximum of 150 days; amended at 6 Ill. Reg. 7446, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19

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Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 23 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective 406 28 2001.

Section 1150.80 Professional Design Firm

a) Persons who desire to practice architecture in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, business corporation, or professional service corporation, or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 405)) shall, in accordance with Section 21 of the Act, file an application with the Department, on forms provided by the Department, together with the following:

1) For Corporations or Professional Service Corporations (Registration as a Professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act (805 ILCS 10/12).)

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is licensed as an architect, structural engineer, or professional engineer or land surveyor. To qualify under Section 21 of the Act, at least two-thirds of the board of directors shall be licensed design professionals and at least one shall be an Illinois licensed architect;

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction, the purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide architectural services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide architectural services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration; and

C) A signed and dated certified copy of the resolution adopted by the board of directors designating a member member of the board of directors who is an Illinois licensed architect and full-time employee of the corporation as the managing

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agent agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect architect(s) designated as the managing agent agent(s) shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable; and

E) A certificate of good standing from the Secretary of State and copy of the latest annual report, if applicable.

2) For Partnerships.

A) General

1) A copy of the signed and dated partnership agreement and application containing the name of the partnership, its business address and the names of all general partners. The with the name of the state in which each partner is licensed and the license number of each general partner who is licensed as an architect, structural engineer, or professional engineer or land surveyor shall be listed on the application. To qualify under Section 21 of the Act, two-thirds of the general partners shall be licensed in any state or territory and at least one partner shall be an Illinois licensed architect.

1) A signed and dated A-certified-copy-of-the resolution adopted by the general partners designating the general partner partner(s) who is an Illinois licensed architect architect(s) and a regular full-time employee of the partnership as the managing agent agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect architect(s) designated as the managing agent agent(s) shall also be included in the resolution.

1) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

1) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

1) A copy of the signed and dated partnership agreement indicating it has been filed with the Secretary of State authorizing the partnership to provide architectural services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed and the license number shall be listed on the application. To qualify under Section 21 of the Act,

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at least two-thirds of the board of directors shall be licensed design professionals and at least one shall be an Illinois licensed architect.

1) A signed and dated resolution adopted by the general partners designating the general partner who is an Illinois licensed architect and a full-time employee of the partnership as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect designated as the managing agent shall also be included in the resolution.

1) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

1) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

A) An application containing the name of the limited liability company or partnership, the business address and the members or partners of the company/partnership, the name of the state in which each is licensed as an architect and the license number of each member/partner. To qualify under Section 21 of the Act, at least two-thirds of the members or general partners shall be licensed in any state or territory and at least one shall be an Illinois licensed architect.

B) A signed and dated resolution of the members or partners A-certified-copy-of-the-articles-of-organization-or-operating agreement designating a member of the company/partnership who is an Illinois licensed architect and a regular full-time employee as the managing agent in charge of the architectural architect activities in this State. The license number shall be included in the resolution.

C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer architectural services.

D) For any assumed name, a copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

4) For Professional Service Corporations

A) An application containing the name of the corporation--its registered address, the names of all members of the board of directors,--and the name of the state and license number for each director who is licensed as an architect,--structural

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engineer--or--professional--engineer--to--qualify--for--
 registration--pursuant--to--Section--13--of--the--Professional
 Service--Corporation--Act--(805--1968--10/11)--at--least
 two-thirds--of--the--board--of--directors--shall--be--licensed?

B) A copy of the Articles of Incorporation bearing the seal of
 the officer in the jurisdiction in which the corporation is
 organized whose duty it is to register corporations under
 the laws of that jurisdiction--the purpose clause of the
 Articles of Incorporation shall designate that the purpose
 of the corporation is to provide architectural services--if
 it is a foreign corporation a copy of the certificate of
 authority to transact business in this State is required.
 Each corporation shall remain active and in good standing
 with the Secretary of State in order to maintain a
 professional design firm registration and
 A) certified copy of the resolution adopted by the board of
 directors designating a member(s) of the board of directors
 who is an Illinois licensed architect as the managing
 agent(s) in charge of the architectural activities in this
 State--the Illinois license number of the architect(s)
 designated as the managing agent(s) shall also be included
 in the resolution.

4) For Sole Proprietorships with an Assumed Name. (A sole
 proprietorship operating under the name of the licensee is not
 required to register as a professional design firm.)

A) An application containing the name of the sole
 proprietorship and its business address and the name and
 license number of the architect who owns and operates the
 business.

B) A letter or certificate received from the county clerk where
 an assumed name has been filed.

5) A list of all office locations in Illinois at which the
 corporation, professional service corporation, limited liability
 company/partnership, partnership or sole proprietorship provides
 architectural services. Each individual architectural office
 maintained for the preparation of drawings, specifications,
 reports or other professional work shall have a resident
 architect, licensed in Illinois and regularly employed full-time.
 Nothing in this Section shall relieve the managing agent in
 charge of architectural activities in this State of any legal
 responsibility for the overall supervision of the individual
 architectural offices.

6) A list of all assumed names used by the corporation, limited
 liability company, partnership or sole proprietorship.

7) The fee required in Section 150.75 19-of-the-Act.

b) A professional design firm may designate more than one managing agent
 in charge of architectural activities.

cb) Upon receipt of a completed application, the Department shall issue a

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Registration license authorizing the corporation, professional service
 corporation, limited liability company/partnership, partnership or
 sole proprietorship to engage in the practice of architecture or
 notify the applicant in writing of the reason for the denial of the
 such application.

c) Each individual architectural office maintained for the preparation of
 drawings, specifications, reports or other professional work shall
 have a resident architect(s) licensed in Illinois and regularly
 employed in that office, having direct supervision and control of such
 work--Nothing in this Section shall relieve the managing agent(s) in
 charge of architectural activities in this State of any legal
 responsibility for the overall supervision of the individual
 architectural offices.

d) Each corporation, professional service corporation, limited liability
 company/partnership, or partnership or sole proprietorship shall be
 responsible for notifying the Department within 30 days after any
 changes in:

1) The membership of the board of directors, members/partners of the
 limited liability company/partnership or of the general partners;
 and

2) The licensure status of any of the general partners,
 members/partners of the limited liability company/partnership or
 any of the design professional licensed architect or engineering
 members of the board or partners; and

3) An assumed name.

e) Each corporation, professional service corporation, limited liability
 company/partnership or partnership shall be responsible for notifying
 the Department, in writing, by certified mail, within 10 business days
 after the termination or change in status of the managing agent
 agent(s). Thereafter, the corporation, professional service

corporation limited liability company/partnership or partnership, if
 it has so informed the Department, has 30 days to notify the
 Department of the name and license number of the architect licensed in
 Illinois who is the newly designated managing agent agent(s).

f) Failure to notify the Department as required in subsections (c) (3)
 and (d) (4) or any failure of the corporation, professional service
 corporation, limited liability company or partnership to continue to
 comply with the requirements of Section 21 of the Act will subject the
 corporation or partnership to the loss of its registration license to
 practice architecture in Illinois.

g) Sole Proprietorships. Any sole proprietorship owned and operated by
 an architect who has an active Illinois license is exempt from the
 registration requirement of a professional design firm. However, if
 the sole proprietorship operates under an assumed name, the sole
 proprietor shall file an application in accordance with subsection
 (a)(4) as a professional design firm with the Department indicating
 all assumed names utilized. A sole proprietorship shall notify the
 Department of any assumed name changes. Any sole proprietorship not

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owned and operated by an Illinois licensed architect shall be prohibited from offering architectural services to the public.

- h) In addition to the seal requirements in Section 12 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. 13710, effective April 24, 2000)

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- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) Section Numbers: 1270.45 Adopted Action: Amendment
- 4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330]
- 5) Effective Date of Amendments: August 28, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 21, 2000, at 24 Ill. Reg. 6500.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Provisions were made for multiple managing agents of firms.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes, at 24 Ill. Reg. 12391.
- 15) Summary and Purpose of Amendments: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Illinois Professional Land Surveyor Act of 1989. Among its changes were revisions concerning firm registration, replacing "land surveying" firms with "professional design" firms for consistency with the other 3 design profession regulatory Acts; this rulemaking accomplishes those changes. Land surveying firms currently licensed as professional service corporations will now instead be required to be licensed as professional design firms.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section	Application for Licensure as a Professional Land Surveyor-in-Training
1270.5	by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Design Band-Surveying Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.60	Granting Variances
APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective

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December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000.

Section 1270.45 Professional Design Firm Land-Surveying-Firm

- a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership, a corporation (if the form is a corporation and such corporation was not formed under the Professional Service Corporation Act (805 ILCS 1017) or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 405)) pursuant to Section 25 of the Act, shall file an application with the Department on forms provided by the Department, together with the following:

1) For Corporations or Professional Service Corporations, (registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 1012]).

A) The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director and officer who is a licensed design professional, as a land surveyor to qualify under Section 25 of the Act, as a majority of the officers and a majority of the board of directors of the corporation shall be Illinois-licensed-land surveyors.

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction, the purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide land surveying services. If it is a foreign corporation, a copy of the certificate of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each A corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional land surveying firm registration.

C) A signed and dated A-certified-copy-of-the resolution of the board of directors of the corporation designating a regular full-time employee of the corporation an officer who is an Illinois-licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The

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Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution. D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable. E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships.

A) General

1) A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall an application contain containing the name of the partnership, and its business address and the names of all partners, and the Illinois-land-surveyor The name of the state in which each partner is licensed as a design professional and the license number numbers shall be listed on the application. All partners shall be Illinois-licensed-land-surveyors.

ii) A signed and dated certified-copy-of-the resolution adopted by the general partners designating a regular full-time employee of the partnership who is the general partner(s) who is an Illinois-licensed land surveyor as the managing agent agent(s) in charge of the land surveying activities in this State. The Illinois license number of the land surveyor surveyor(s) designated as the managing agent agent(s) shall also be included in the resolution.

iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

1) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.

ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois-licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of

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the land surveyor designated as the managing agent shall also be included in the resolution.

iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

- iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

- A) An application containing the name of the limited liability company or partnership, the business address and the name of the company/partnership, the name of the state in which each is licensed as a land surveyor and the license number of each member/partner licensed as a design professional. A majority of the members of the limited liability company shall be licensed land surveyors in Illinois.
- B) A signed and dated resolution of the members or partners A certified copy of the articles of organization or operating agreement designating a full-time employee who is member of the company who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.
- C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
- D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- E) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- 4) For Sole Proprietorships with an Assumed Name.
- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.
- B) A letter or certificate received from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. Any professional services corporation, sole proprietorship, or professional design land surveying firm offering land surveying services must have a resident land

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surveyor overseeing the land surveying practices in each location in which land surveying services are provided. (Section 25(h) of the Act) A resident land surveyor is defined as an Illinois Licensed Land Surveyor who is physically present in the office supervising the professional land surveying operations a minimum of 40 hours a week or 80 percent of the hours the office is open, whichever is greater.

- 6) A list of all assumed names used by the corporation, limited liability company, partnership or sole proprietorship
- 7) The fee required in Section 1270.52 2i-of-the-Act.

- A) A professional design firm may designate more than one managing agent in charge of land surveying activities.
- b) Upon receipt of the above documents and review of the application, the Department shall issue a registration license authorizing the company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.
- d) Each corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship with an assumed name shall be responsible for notifying the Department in writing within 30 days after of any changes in:
- 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners; or
 - 2) The license status of any of the general partners; or members/partners of the limited liability company/partnership or any of the licensed design professional land-surveyor members of the board of directors; and
 - 3) An assumed name.
- e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.
- f) Any failure to notify the Department as required in subsections (d) and (e) above or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.
- g) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration requirement of a professional design land-surveying firm.

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However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). ~~with the Department indicating all assumed names utilized.-----A sole proprietorship shall notify the Department of any assumed name changes.~~ Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.

b) In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the land surveying firm shall contain the professional design ~~land surveying~~ firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. 13719, effective August 28, 2000)

DEPARTMENT OF PROFESSIONAL REGULATION

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- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3) Section Numbers: Adopted Action:
1380.290 Amendment
- 4) Statutory Authority: The Professional Engineering Practice Act of 1989 [225 ILCS 325].
- 5) Effective Date of Amendment: August 28, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 21, 2000, at 24 Ill. Reg. 6508.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Provisions were made for multiple managing agents of firms.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace a emergency amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-92, effective January 1, 2000, is the sunset reauthorization of the Professional Engineering Practice Act of 1989. Among its changes were revisions concerning Professional design firm registration; this rulemaking accomplishes those changes. Engineering firms currently licensed as Professional service corporations will now instead be required to be licensed as Professional design firms.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Department of Professional Regulation
Attention: Jean Courtney

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320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendment begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section

- 1380.210 Approved Engineering Program
- 1380.220 Definition of Degree in Basic Engineering or Related Science
- 1380.230 Approved Experience
- 1380.240 Application for Enrollment as an Engineer Intern by Examination
- 1380.250 Application for Licensure as a Professional Engineer by Examination
- 1380.260 Examination
- 1380.270 Restoration
- 1380.275 Fees
- 1380.280 Endorsement
- 1380.285 Inactive Status
- 1380.290 Professional Design Firm
- 1380.300 Standards of Professional Conduct
- 1380.305 Professional Engineer Complaint Committee
- 1380.310 Renewals
- 1380.320 Granting Variances

APPENDIX A

Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16516,

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effective September 3, 1998; amended at 24 Ill. Reg. 625, effective December 31, 1999; amended at 24 Ill. Reg. 13727, effective 13727.

344-23-2000

Section 1380.290 Professional Design Firm

- a) Persons who desire to practice professional engineering in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, ~~corporation (if the form is a corporation and such corporation was not formed under the Professional Service Corporation Act (605 ILCS 267) or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 405)) shall, in accordance with Section 23 of the Act, file an application with the Department, on forms provided by the Department, together with the following:~~

- 1) For Corporations or Professional Service Corporations. (Registration as a Professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12].)

- A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional. ~~as a professional engineer.~~

- B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. ~~The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide engineering services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or certificate of authority shall designate that the corporation is authorized to provide engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.~~

- C) A signed and dated ~~A-certified-copy-of-the~~ resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed professional engineer as the managing agent in charge of the engineering activities in Illinois. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.

- D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State

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- for any assumed names of the corporation, if applicable.
E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 2) For partnerships.
 - A) General
 - i) A copy of the signed and dated partnership agreement authorizing the partnership to provide professional engineering services. The agreement shall contain an application--containing the name of the partnership, and its business address and the names of all general partners.⁷ The with--the name of the state in which each partner is licensed as a design professional engineer and the license number shall be listed on the application of each general partner.
 - ii) B) A signed and dated A-certified-copy-of-the resolution of the general partners designating a regular full-time employee of the partnership who is an Illinois licensed professional engineer as the managing agent in charge of the engineering activities in this State. The license number of the managing agent shall be included in the resolution.
 - iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
 - iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.
 - B) Limited Partnership
 - i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide professional engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
 - ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed professional engineer in this State as the managing agent in charge of the engineering services. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.
 - iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
 - iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.
 - 3) For Limited Liability Companies or Limited Liability Partnerships.
 - A) An application containing the name of the limited liability

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company or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed ~~as a~~ professional ~~engineer~~ and the license number of each design professional who is a ~~of each member or partner~~.

- B) A signed and dated resolution of the members or partners A certified copy of the articles of organization or operating agreement designating a regular full-time employee of the company who is an Illinois licensed professional engineer as the managing agent in charge of the engineering activities in this State. The license number of the managing agent shall also be included in the resolution.

- C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.

- D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.

- E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

- 4) For Sole Proprietorships with an Assumed Name.

- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the professional engineer who owns and operates the business.

- B) A letter or certificate from the county clerk where an assumed name has been filed.

- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides engineering services.

- 6) A list of all assumed names used by the corporation, limited liability company, partnership or sole proprietorship.

- 6.1) The fee required in Section 1380.275 ~~of the Act~~.

- B) A professional design firm may designate more than one managing agent in charge of professional engineering activities.

- 6B) Upon receipt of the above documents and review of the application, the Department shall issue a registration license authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of professional engineering or notify the applicant of the reason for the denial of the application.

- 6C) Each corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship shall be responsible for notifying the Department within 30 days after of any changes in:

- 1) The membership of the board of directors, members/partners member

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of the limited liability company/partnership or the general partners; and

- 2) The licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional professional ~~engineer~~ members of the board of directors; and

- 3) An assumed name.

- 6D) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Department, in writing, by certified mail, within 10 business days after of the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the professional engineer licensed in Illinois who is the newly designated managing agent.

- 6E) Any failure to notify the Department as required in subsections (d) and (e) ~~fe--and--(d)--above~~ or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 23 of the Act will subject the corporation, limited liability company or partnership to the loss of its registration license to practice professional engineering in Illinois.

- 6F) Sole Proprietorships. A sole proprietorship who is conducting or transacting business under the real name of the professional engineer who has an active Illinois license will not be required to file an application and comply with the requirements set forth in this Section. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4). with the Department indicating all assumed names--utilized--A--sole--proprietorship--shall--notify--the Department--of--any--assumed--name--changes. Any sole proprietorship not owned and operated by an Illinois licensed professional engineer shall be prohibited from offering engineering services to the public.

- 6G) In addition to the seal requirements in Section 12 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. 13727, effective AUG 2, 2000)

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING PRACTICE ACT OF 1989

Section	Statutory Authority (Repealed)
1480.10	Licensure (Repealed)
1480.20	Approved Education Qualifications (Repealed)
1480.30	Approved Experience Qualifications (Repealed)
1480.40	Renewals (Renumbered)
1480.45	Restoration of Expired Certificate (Repealed)
1480.50	Granting Variances (Renumbered)
1480.60	Approved Structural Engineering Curriculum
1480.110	Definition of Degree in Related Science
1480.120	Approved Experience
1480.130	Application for Enrollment as a Structural Engineer
1480.135	Examination
1480.140	Application for Licensure by Examination
1480.150	Examination
1480.160	Restoration
1480.170	Endorsement
1480.180	Inactive Status
1480.190	Renewals
1480.195	Fees
1480.200	Professional Design Firm
1480.210	Standards of Professional Conduct
1480.215	Structural Engineer Complaint Committee
1480.220	Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; modified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg.

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14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 24 Ill. Reg. 639, effective December 31, 1999; amended at 24 Ill. Reg. **13734**, effective **AUG. 28, 2000**.

Section 1480.200 Professional Design Firm

a) Persons who desire to practice structural engineering in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, corporation, ~~if the form is a corporation and such corporation was not formed under the Professional Service Corporation Act (1805--1485--1491) or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 405)) shall, in accordance with Section 19 of the Act, file an application with the Department on forms provided by the Department, together with the following:~~

1) For Corporations or Professional Service Corporations. (Registration as a Professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act (1805 ILCS 10/121).)

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional ~~as a structural engineer.~~

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. ~~The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide engineering services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide structural engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain professional design firm registration.~~

C) A signed and dated ~~a~~ **certified copy** of the resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in Illinois. The Illinois license number of the structural engineer designated as the managing agent shall also be included in

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the resolution.

- D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.
- E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships.

- A) General
- i) A copy of the signed and dated partnership agreement authorizing the partnership to provide structural engineering services. The agreement shall contain an application the name of the partnership, and its business address and the names of all general partners.⁷ The with-the name of the state in which each partner is licensed as a design professional as a structural engineer--or professional engineer and the license number shall be listed on the application of each general partner.

ii) A signed and dated certified-copy-of-the resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State. The license number of the managing agent shall be included in the resolution.

iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited partnership

i) A signed and dated copy of the partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide structural engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed and the license number shall be listed on the application.

ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed structural engineer in this State. The Illinois license number of the structural engineer designated as the managing agent shall also be included in the resolution.

iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

applicable.

- iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed as a structural engineer and the license number of each design professional who is a member or partner.

B) A certified copy of the resolution of the members or partners' articles-of-organization-or operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.

C) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State. The license number of the managing agent shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

4) For Sole Proprietorships with an Assumed Name.

A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the structural engineer who owns and operates the business.

B) A letter or certificate from the county clerk where an assumed name has been filed.

5) A list of all office locations in Illinois at which the corporation, professional service corporation, limited liability company or partnership, partnership or sole proprietorship provides structural engineering services.

6) A list-of-all-assumed-names-used-by-the-corporation--limited liability company, partnership-or-sole-proprietorship.

⁷ The fee required in Section 1480.195 17-of-the-Act.

b) A professional design firm may designate more than one managing agent in charge of structural engineering activities.

c) Upon receipt of the above documents and review of the application, the Department shall issue a registration license authorizing the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of structural engineering or notify the applicant of the reason for the denial of the application.

d) Each corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship shall be responsible for notifying the Department within 30 days after any changes in:

- 1) the membership of the board of directors, members/partners of the limited liability company/partnership or the general partners; and

2) the licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed structural engineer members of the board of directors; and-

3) An assumed name.

e) Each corporation, limited liability company/partnership, professional service corporation or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the structural engineer licensed in Illinois who is the newly designated managing agent.

f) Any failure to notify the Department as required in subsections (d) and (e) subsection--(c)--and--(d)--above or any failure of the corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship to continue to comply with the requirements of Section 19 of the Act will subject the corporation, limited liability company or partnership to the loss of its registration ~~license~~ to practice structural engineering in Illinois.

g) Sole Proprietorships. Any sole proprietorship owned and operated by a structural engineer who has an active Illinois license is exempt from the registration requirements of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4) with the Department. ~~Indicating all--assumed--names~~ ~~written~~. A sole proprietorship shall notify the Department of all assumed name changes. Any sole proprietorship not owned and operated by an Illinois licensed structural engineer shall be prohibited from offering structural engineering services to the public.

h) In addition to the seal requirements in Section 14 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. 18734, effective July 28, 2006)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING

1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act

2) Code Citation: 86 Ill. Adm. Code 530

3) Register Citation to Notice of Proposed Rules: August 11, 2000

4) Date, Time and Location of Public Hearing:

September 18, 2000 (Monday)

9:30 A.M. to Noon

Willard Ice Building (IL Department of Revenue)

Media Room

101 West Jefferson

Springfield IL 62794-9015

5) Other Pertinent Information: The Department is scheduling this public hearing on its rulemaking implementing Public Act 91-699 which necessitates amending administrative procedures governing the Pharmaceutical Assistance Program under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. These proposed rules appeared in the August 11, 2000 edition of the Illinois Register (24 Ill. Reg. 11792).

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen minutes for presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
4. All testimony shall conclude at the specified time except that an individual presenting testimony at that time shall be allowed to complete the presentation.

5. Name and Address of Agency Contact Person: Questions regarding the public hearing on the proposed rulemaking may be directed to:

Jerry Lanter
Property Tax Counsel
Legal Services Division, 5-500
101 W. Jefferson
Springfield IL 62794
(217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING

Illinois Department of Revenue

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Lead Poisoning Prevention Code2) Code Citation: 77 Ill. Adm. Code 845

3) Register Citation of adopted rulemaking and other pertinent action: This Department of Public Health adopted rulemaking appeared in the 8/11/00 issue of the *Illinois Register* at 24 Ill. Reg. 11574

4) Explanation: The chart in Appendix F titled "Pediatric Lead Poisoning High Risk ZIP Code Areas" contained formatting errors that created a misalignment of zip codes under county labels. JCAR apologizes for any difficulty this error may have created. The corrected Appendix F begins on the next page.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLICATION ERROR

Section 845.APPENDIX F Childhood Lead Risk Assessment Questionnaire

ILLINOIS DEPARTMENT OF PUBLIC HEALTH DIVISION OF FAMILY
HEALTH CHILDHOOD LEAD RISK ASSESSMENT QUESTIONNAIRE

Medical evaluation of a patient to determine lead exposure includes knowledge of the child's geographic location and living conditions in combination with the history and physical exam. The first question in this process is:

DOES THE CHILD, AGES 6 MONTHS TO 24 MONTHS, LIVE IN A HIGH RISK ZIP CODE AREA
(REFER TO ZIP CODES ON REVERSE SIDE)?

(If "N" continue with additional questions)

Y N

ASSESSMENT OF ALL OTHER CHILDREN

Circle the appropriate
response

Does the child, ages 6 months to 24 months:

Live in or regularly visit a home or building (school or daycare)
built before 1960?

Y N

Live in or regularly visit a home or building built before 1960
which has recently been or is currently under renovation or
remodeling?

Y N

Live with a person whose occupation or hobby involves exposure
to lead?

Y N

Receive or have ever received herbal medicines or home remedies
(see guidelines)?

Y N

POPULATION BASED ASSESSMENT QUESTIONS

(Use at physician's discretion)

Live close to an active lead smelter, battery recycling plant,
lead mine, and/or other industry likely to release lead into
the environment?

Y N

Does the family use imported or glazed ceramics for food
preparation, storage or as dinnerware?

Y N

Ever been to Central or South America or Mexico where lead
exposure could potentially occur?

Y N

CHILDREN WITH A POSITIVE RESPONSE TO ANY ONE OF THE QUESTIONS NOTED ABOVE WILL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLICATION ERROR

NEED BLOOD LEAD TESTING TO COMPLETE THE SCREENING PROCESS. DUE TO SIMILAR
ENVIRONMENTAL EXPOSURE, CHILDREN WITH SIBLINGS WHO HAVE ELEVATED BLOOD LEAD
LEVELS SHOULD HAVE BLOOD LEAD TESTING.

The Lead Risk Assessment Tool may be used to complete the Lead Assessment
component of the Well Child visit. The assessment is recommended annually for
all children from 6 months through 24 months of age.

POSSIBLE METHODS OF EXPOSURE

OCCUPATIONS

Auto repair
Battery manufacture or repair
Brass/copper foundry
Bridge reconstruction workers
Chemical/chemical preparation
manufacturers
Construction workers
Gas station attendants
Glass manufacturers
Industrial machinery equipment
operators
Lead smelters and refiners
Lead miner
Plastics manufacturers
Plumbers, pipe fitters
Police officers
Printers
Radiator repair
Rubber products manufacturers
Steel welders and cutters

HOBBIES

Car or boat repair
Casting lead figures (toy soldiers,
etc.)
Furniture refinishing
Home remodeling
Jewelry making
Lead soldering (i.e., electronics)
Painting
Preparing lead shot, fishing sinkers,
bullets
Reloading cartridges
Stained glass making
Target shooting at firing ranges

OTHER

ENVIRONMENTAL

Ceramics/Pottery
Lead crystal
Lead paint
Lead painted homes
Lead soldered cans (imported)
Proximity to lead related industries
Renovating/remodeling older homes
Soil/dust near industries, roadways
Use of water from leaded pipes

Asian Cosmetics
Folk remedies (greta, azarcon,
pay-loo-ah, ghasard, Hai ge fen,
Bali Goli, Kandu, Kohl, X-yoo-Pa,
Mai ge fen and poying ton)
Imported food in lead soldered
cans

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLICATION ERROR

HIGH RISK **Blood test mandatory. Repeat as noted in Guidelines.**
ZIP CODE **Risk Assessment Questionnaire**

LOW RISK	Blood lead test required for ZIP CODES any yes answer. Follow-up as indicated in Guidelines.	No blood lead test required when all answers are no.	Reassess annually at each Well Child visit.

pediatric Lead Poisoning High Risk ZIP Code Areas

Adams	Bureau	61072	61074	Clay	Crawford
	62301	61322	62839	62464	
	62312	61323	62847	62466	
	62324	61328	62858		
	62325	61329			
	62336	61337			
	62339	61338			
	62343	61342			
	62346	61344			
	62348	61345			
Alexander	Bureau	61810	61816	Clay	Crawford
	62351	61346	62859	62468	
	62359	61349	62860		
	62365	61361	62861		
	61362	61849	62862		
	61368	61851	62863		
	62913	61374	62864		
	62914	61376	62865		
	62961	61377	62866		
	62962	61421	62867		
Bond	Calhoun	62020	62025	Clay	Crawford
	62993	62006	62030	62469	
	62013	62036	62040	62470	
	62046	62045	62046	62471	
	62047	62047	62048	62472	
	62053	62053	62054	62473	
	62065	62065	62066	62474	
	62070	62070	62071	62475	
	62355	62355	62356	62476	
	62361	62361	62362	62477	
Brown	Calhoun	62420	62425	Clay	Crawford
	62324	62324	62325	62478	
	62353	61014	62354	62479	
	62375	61046	62376	62480	
	62378	61051	62379	62481	
	62380	61052	62381	62482	
	62382	61053	62383	62483	
	62384	61054	62385	62484	
	62386	61055	62387	62485	
	62388	61056	62389	62486	
Boone	Bureau	61910	61915	Clay	Crawford
	61920	61925	61930	61940	
	61925	61930	61935	61945	
	61930	61940	61945	61950	
	61935	61945	61950	61955	
	61940	61950	61955	61960	
	61945	61955	61960	61965	
	61950	61960	61965	61970	
	61955	61965	61970	61975	
	61960	61970	61975	61980	
Boone	Bureau	61980	61985	Clay	Crawford
	61985	61990	61995	61995	
	61990	62000	62005	62005	
	61995	62005	62010	62010	
	62000	62010	62015	62015	
	62005	62015	62020	62020	
	62010	62020	62025	62025	
	62015	62025	62030	62030	
	62020	62030	62035	62035	
	62025	62035	62040	62040	
Boone	Bureau	61980	61985	Clay	Crawford
	61985	61990	61995	61995	
	61990	62000	62005	62005	
	61995	62005	62010	62010	
	62000	62010	62015	62015	
	62005	62015	62020	62020	
	62010	62020	62025	62025	
	62015	62025	62030	62030	
	62020	62030	62035	62035	
	62025	62035	62040	62040	
Boone	Bureau	61980	61985	Clay	Crawford
	61985	61990	61995	61995	
	61990	62000	62005	62005	
	61995	62005	62010	62010	
	62000	62010	62015	62015	
	62005	62015	62020	62020	
	62010	62020	62025	62025	
	62015	62025	62030	62030	
	62020	62030	62035	62035	
	62025	62035	62040	62040	

DEPARTMENT OF PUBLIC HEALTH

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61314	61064	62824	62454	61944
Edgar	Pulton	Hancock	Iroquois	Kankakee
61949	61427	62321	60964	60901
	61431	62330	60966	60912
Edwards	61432	62334	60967	60913
62476	61441	62348	60968	60915
62806	61459	62367	60970	60919
62818	61477	62380		60944
62844	61484		Jackson	60954
62863	61501	Hardin	62927	60964
	61520	62919	62942	
Effingham	61524	62931	62950	Kendall
62114	61531	62955	62994	None
62426	61542	62982		
	61543		Jasper	Knox
Payette	61544	Henderson	62432	61401
62662	61563		62438	61415
62414			61418	61434
62418	Gallatin	61454	62459	61436
62458	61460	61469	62475	61458
62459	61469	61485	62480	61457
62471	61471	61471		61474
62478	62869		Jefferson	61465
62838	62954	614761479	62810	61489
62857	62979	62330	62846	
62880			62851	61572
62885	Greene	Henry	62864	
	62016	61234		Lake
Ford	62027	61235		60040
60919	62031	61238	Jersey	60064
60923	62044	61258	62031	60085
60946	62050	61274	62052	
60952	62078	61277	62063	LaSalle
60957	62081	61413		60470
60959	62082	61434	Jo Daviess	60518
60960	62092	61443	61053	61301
60962		61490	61074	61321
Grundy			61085	61325
61773			61087	61341
	60474	Iroquois		61342
Franklin		60912	Johnson	61348
62805	Hamilton	60918	62908	61350
62812	62817	60924	62909	61354
62822	62828	60931	62912	61358
62874	62859	60938	62923	
	62860	60942		

DEPARTMENT OF PUBLIC HEALTH
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62896	62887	60945	62967	61364
62983		60951	62972	61370
62999	Hancock	60953		61371
	62311	60955	Kane	61377
Fulton	62316	60956	60505	
614156444	62318	60960		
Lawrence	Macoupin	Mason	Montgomery	Platt
62415	62056	62644	62032	61813
62417	62063	62664	62049	61830
62439	62069	62682	62051	61913
62460	62079	620562898		
62466	62085	Massac	62075	Pike
	62088	62910	62076	62312
Lee	62093	62953	62089	62314
61006	62649	62960	62094	62323
61021	62672			62332
61031	62674		Morgan	62340
61042	62676	McDonough	62082	62343
61057	62683	61420	62631	62345
61064	62685	61422	62694	62352
61353		61438		62355
	Madison	61471	Moultrie	62356
Livingston	62002	61475	61911	62357
60921	62018	62326	61925	62361
60929	62024	62367	61928	62362
60934	62040	62367	61937	62363
61319	62048	McHenry	61951	62366
	62060	None	62370	62376
61333	62074		62372	62377
61364	62084	McLean	61006	
61740	62087	61701	61021	Pope
61741	62090	61720	61030	62938
	62095	61724	61031	62944
Logan	62541	61728	61039	
62543	62548	61730	61054	Pulaski
62548	62601	61731	61061	62926
62635	62649	61737	61064	62917
62643	62643	61770	61102	62941
62666			62963	62956
62671	Marshall	Menard	62964	62963
	61358	62664	62970	62964
Macon	61369	62673	62973	
62501	61377	61602	61602	Putnam
62521	61421	61603		

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62522	61424	61231	61604	61340
62523	61537	61260	61605	
62537	61540	61412	61606	Randolph
62544	61541	61442		62237
62551	61570	61465	Perry	62242
	Mason	61466	62237	62272
Macoupin	62002	61476	62281	62277
62009	6156761587		62884	
62033	62617	Monroe	62888	Richland
	62633	62295	62895	62425
Richland	Scott	Vermilion	White	
62450	62694	61832	62862	
62868		61833	62867	
	Shelby	61844	62869	
Rock Island	61928	61846	62887	
61201	61951	61857		Whiteside
61239	61957	61865	61014	
61255	62414	61876	61071	
61282	62431	61883	61081	
62444			61252	
St. Clair	6246562485	Wabash	61253	
62040	62510	62863	61261	
6220162881	62550		61270	
6220362883	62553	Warren	61277	
6220462884	62565		61283	
6220562885		61412		
6220662886	Stark	61417	Will	
6220762887	61421	61447	60432	
6220862888	61449	61453	60433	
6220962889	61479	61462		
6221062890	61483	61478	Williamson	
6221162891	61491		62921	
Stephenson		Washington	62948	
6101361891	61032	62801	62949	
6103361892	61039	62808	62951	
6105361893	61050	62831		Winnebago
6107361894	61089		61077	
6109361895	62946	62823	61101	
6111361896		62824	61102	
6113361897	Tazewell	62837	61103	
6115361898	61554	62842	61104	
6117361899	Sangamon	62843		
6119361900	62539			
6121361901	61734			

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62703		62851	Woodford
	Union	62878	61545
Schuyler	62926	62886	61561
61452	62961	62895	61570
62319	62998		61738
62344		White	61760
62367	Vermillion	62817	
62624	60932	62820	
	60942	62821	
Scott	60960	62827	
62050	60963	62834	
62082	61810	62835	
62610	61812	62844	
62621	61831	62861	

(Source: Amended at 24 Ill. Reg. 11974, effective August 1, 2000)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 21, 2000 through August 28, 2000 and have been scheduled for review by the Committee at its September 19, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
10/4/00	Illinois Commerce Commission, Certification of Alternative Retail Electric Suppliers (83 Ill Adm Code 451)	3/31/00 24 Ill Reg 5083	9/19/00
10/6/00	Illinois Racing Board, Racetrack Improvements (11 Ill Adm Code 452)	7/7/00 24 Ill Reg 9336	9/19/00
10/6/00	Department of Employment Security, General Provisions (56 Ill Adm Code 2960)	7/7/00 24 Ill Reg 9300	9/19/00
10/7/00	Office of the Comptroller, Repeal of Public Radio and Television Station Grants (74 Ill Adm Code 280)	6/30/00 24 Ill Reg 8703	9/19/00
10/11/00	Secretary of State, Commercial Driver Training Schools (92 Ill Adm Code 1060)	6/16/00 24 Ill Reg 8225	9/19/00
10/11/00	Department of Insurance, Accelerated Life Benefit/Terminal Illness/Qualified Conditions (50 Ill Adm Code 1407)	6/16/99 24 Ill Reg 8201	9/19/00

PROCLAMATIONS

2000-380 (REVISED)
THEORETICAL AND APPLIED MECHANICS DAY

WHEREAS, the 20th International Congress of Theoretical and Applied Mechanics, ICTAM2000, is being held in Chicago, Illinois, during the week of August 28, 2000; and

WHEREAS, the international congresses of the International Union of Theoretical and Applied Mechanics have been ongoing for more than 75 years, and have visited major cities of the world including several sister cities of Chicago; and

WHEREAS, prior congresses have been held in the United States of America on only two prior occasions in 1938 and in 1968; and

WHEREAS, ICTAM2000 is invited by the US National Academy of Sciences, the pre-eminent scientific body of this nation; and

WHEREAS, the host university consortium includes several illustrious institutions of higher learning in the State of Illinois, to wit University of Illinois at Urbana-Champaign, University of Illinois at Chicago, University of Chicago, and Illinois Institute of Technology; and

WHEREAS, the attendees at ICTAM2000 represent a gathering of leading researchers and scholars in the mechanical sciences from the international scientific community encompassing more than 50 nations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 28, 2000, as THEORETICAL AND APPLIED MECHANICS DAY in Illinois.

Issued by the Governor August 11, 2000.

Filed by the Secretary of State August 21, 2000.

2000-388

HAVE A HEART FOR SICKLE CELL ANEMIA AWARENESS MONTH

WHEREAS, Gala 2000, the 13th annual event for "Have A Heart for Sickle Cell Anemia Foundation" will be held on Thursday, September 28, 2000, at The Skyline Room at the Chicago Shakespeare Theater on Navy Pier; and

WHEREAS, Katy Stinchour has agreed to Chair this year's annual gala; and

WHEREAS, sickle cell anemia is an inherited, genetic condition which interferes with the ability of red blood cells to carry oxygen throughout the body; and

WHEREAS, this condition is most common in Africans and African Americans, however, persons who originate from the Caribbean, Latin America, some parts of the Far East and southeast Asia, the Mediterranean, Italy, and some Middle Eastern areas are also effected by this illness; and

WHEREAS, Linda Collins, who has sickle cell anemia, is deeply committed to raising money and public awareness of this painful and potentially life-threatening disease; and

WHEREAS, a Purple and Fuchsia ribbon is The Have A Heart for Sickle Cell Anemia Foundation symbol for the disorder; and

WHEREAS, September is National Sickle Cell Anemia Awareness Month; and

WHEREAS, this year's proceeds will support the Have A Heart for Sickle Cell Anemia Foundation, which is committed to the education, support and public awareness of sickle cell anemia;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

September 2000 as HAVE A HEART FOR SICKLE CELL ANEMIA AWARENESS MONTH in Illinois.

Issued by the Governor August 10, 2000.

Filed by the Secretary of State August 21, 2000.

2000-389

ILLINOIS JUDICIAL COUNCIL DAY

WHEREAS, the Illinois Judicial Council membership reflects the rich ethnic diversity of our State's judicial officers; and

WHEREAS, many African American judges have been given the opportunity to be elected to the bench in Cook County; and

WHEREAS, the council takes part in many charitable and philanthropic activities to assist the less fortunate individuals of our State; and

WHEREAS, the Illinois Judicial Council provides food and toys, maintains a library, and visits residents of an "adopted" Chicago Housing Authority building; and

WHEREAS, the council has demonstrated a commitment to education by operating a special bureau for schools, cosponsoring a Law Day program with the Cook County Bar Association for high school and elementary students, and awarding scholarships to law students; and

WHEREAS, the Illinois Judicial Council is holding its 18th Annual Awards and Installation Banquet on September 15, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15, 2000, as ILLINOIS JUDICIAL COUNCIL DAY in Illinois.

Issued by the Governor August 10, 2000.

Filed by the Secretary of State August 21, 2000.

2000-390

SPRINGFIELD PARK DISTRICT DAY

WHEREAS, the Springfield Park District is recognizing a hallmark in its proud years of service to the community of Springfield by celebrating its 100th anniversary during 2000; and

WHEREAS, the Springfield Park District's proud history is an outstanding model of how local government can act to enrich the lives of the citizens it serves; and

WHEREAS, the progress of the Springfield Park District during the last 100 years is a tribute to the foresightfulness of its many park commissioners who have met the challenge of providing quality recreational experiences for the district's citizens and have acted to preserve open space, forming a foundation for future generations' enjoyment of the beauty of Springfield; and

WHEREAS, the Springfield Park District has attracted the support of countless volunteers who bring a variety of talents, interests, and skills to the promotion of the park district; and

WHEREAS, this centennial celebration marks a history of continued growth, initiative, and dedication by the Springfield Park District; and

WHEREAS, the Springfield Park District is a leading example of how citizens can join together, and through their collective efforts create one of the most outstanding park districts in the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19, 2000, as SPRINGFIELD PARK DISTRICT DAY in recognition of the

Springfield Park District's 100th anniversary.
 Issued by the Governor August 10, 2000.
 Filed by the Secretary of State August 21, 2000.

2000-391

UKRAINIAN INDEPENDENCE DAY

WHEREAS, Ukrainian Americans are exemplary citizens who still preserve their traditions, take pride in the history of freedom, and believe in equality and human rights; and

WHEREAS, Ukrainian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our State; and

WHEREAS, the Ukrainian community of the Chicago metropolitan area will be commemorating the ninth anniversary of Ukraine's declaration of independence; and

WHEREAS, the program will commence with a religious service, and dignitaries will speak; and

WHEREAS, the latter portion of the program will consist of outdoor artistic presentations by Ukrainian American singing and dancing groups; and

WHEREAS, we are grateful for their significant contributions to the advancement of the arts, sciences, business, medicine, and education to our state and its citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2000, as UKRAINIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor August 10, 2000.

Filed by the Secretary of State August 21, 2000.

2000-392

BARTON W. STONE CHRISTIAN HOME DAY

WHEREAS, in 1886, six women dedicated their lives to the admonition of Jesus Christ, and their story led to the creation of the National Benevolent Association (NBA) of the Christian Church Disciples of Christ in 1887, and ultimately, the establishment of the NBA Barton W. Stone Christian Home in Jacksonville, Illinois, in 1901; and

WHEREAS, the Barton W. Stone Christian Home became the first permanent facility catering to older adults; and

WHEREAS, in 1971, the Illinois Christian Home changed its name to the Barton W. Stone Christian Home to honor Barton Stone, the founder of the Central Christian Church in Jacksonville, and a most beloved leader of the Christian Church in the United States; and

WHEREAS, the Barton W. Stone Christian Home is celebrating its 100th anniversary with a Proclamation Tea on August 24, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2000, as BARTON W. STONE CHRISTIAN HOME DAY in Illinois.

Issued by the Governor August 11, 2000.

Filed by the Secretary of State August 21, 2000.

2000-393

CONSTITUTION WEEK

WHEREAS, September 17, 2000, marks the 213th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as Constitution Week; and

WHEREAS, the Prairie State Chapter of the National Society of the Daughters of the American Revolution, located in Centralia, Illinois, will celebrate this event in Washington, D.C. at the 109th NSDAR Continental Congress at Constitution Hall;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 2000, as CONSTITUTION WEEK in Illinois.

Issued by the Governor August 11, 2000.

Filed by the Secretary of State August 21, 2000.

2000-394

5-A-DAY WEEK 2000, "FRUITS & VEGETABLES: BY POPULAR DEMAND"

WHEREAS, the prevention of cancer and heart disease are two of the most urgent health challenges of our day, with heart disease being the leading cause of death in Illinois; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health recommend that people should reduce their intake of fats and increase their consumption of high fiber foods, such as fruits and vegetables, to help reduce the risk of cancer and heart disease; and

WHEREAS, only 24 percent of Illinoisans eat five fruits and vegetables a day and only 33 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and

WHEREAS, the National Cancer Institute has launched the 5-A-Day for Better Health national disease prevention and health promotion program; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health support the 5-A-Day goal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 10-17, 2000, as 5-A-DAY WEEK 2000, "FRUITS & VEGETABLES: BY POPULAR DEMAND," in Illinois.

Issued by the Governor August 11, 2000.

Filed by the Secretary of State August 21, 2000.

2000-395

ILLINOIS STATE GREAT CATFISH COOKOFF/MURPHYSBORO BARBECUE CHAMPIONSHIP DAYS

WHEREAS, The Great Catfish Cookoff is being held in conjunction with the Illinois State Murphysboro Barbecue Championship; and

WHEREAS, The Great Catfish Cookoff is one of the largest and most distinguished catfish cookoffs in the State of Illinois, with the catfish cooking teams competing in 10-15 states each year; and

WHEREAS, The Great Catfish Cookoff honors its gold and platinum sponsors and the ambassadors from the Murphysboro Barbecue Championships;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 21-23, 2000, as the ILLINOIS STATE GREAT CATFISH COOKOFF and MORPHYSIANO BARBECUE CHAMPIONSHIP DAYS in Illinois.

Issued by the Governor August 11, 2000.
Filed by the Secretary of State August 21, 2000.

2000-396

STATE FARM RAIL CLASSIC WEEK

WHEREAS, each Labor Day Weekend the Rail Golf Course in Springfield, Illinois, is the site of one of the oldest events on the Ladies Professional Golf Association Tour; and

WHEREAS, the State Farm Rail Classic is one of the most popular stops on the tour and annually attracts an international field of the world's best women golfers; and

WHEREAS, the Rail Charity Golf Classic has distributed \$1.5 million to statewide Illinois charitable organizations; and

WHEREAS, on Labor Day Weekend 2000, the State Farm Rail Classic will celebrate its 25th Anniversary with a \$900,000 purse; and

WHEREAS, State Farm Insurance has served as the title sponsor for the Classic since 1993; and

WHEREAS, the United States Postal Service will present "An Evening of Champions," which will celebrate the tournament's 25th anniversary and the 50th anniversary of the LPGA; and

WHEREAS, the 25th anniversary State Farm Rail Classic will receive the Bruce Callis Trophy at the awards ceremony on September 3, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 27-September 3, 2000, as STATE FARM RAIL CLASSIC WEEK in Illinois.

Issued by the Governor August 11, 2000.
Filed by the Secretary of State August 21, 2000.

2000-397

ILLINOIS RIVERS APPRECIATION MONTH

WHEREAS, Illinois' development as a great state owes much to our rivers, their explorers--such as Marquette, Joliet, and LaSalle--and the builders of the forts and later cities along the banks of these rivers--such as Massac on the Ohio, Starved Rock and Creve Coeur on the Illinois, Kaskaskia on the Mississippi, and Dearborn in Chicago; and

WHEREAS, Illinois communities, which originally flourished on the banks of the avenues of commerce our rivers provide, are today revitalizing their waterfronts to provide both economical and recreational opportunities while preserving important aspects of their resources and history; and

WHEREAS, Illinois citizens are becoming increasingly aware of the importance of our rivers as habitats for fish and other aquatic organisms for recreation, as scenic resources, for clean drinking water, and of the importance of the riparian corridor for soil conservation and wildlife habitats; and

WHEREAS, all citizens should be involved in efforts to clean our stream, practice soil conservation, protect scenic areas, and advocate such efforts;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2000 as ILLINOIS RIVERS APPRECIATION MONTH in Illinois.

Issued by the Governor August 14, 2000.
Filed by the Secretary of State August 21, 2000.

2000-398

MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, Minority Enterprise Development Week is an annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and

WHEREAS, our State's growth and prosperity depend on the full participation of all Illinois citizens; and

WHEREAS, it is the policy in Illinois to promote and encourage the economic development of minority-owned businesses; and

WHEREAS, for the past 18 years, this State has made great advances in increasing the participation of the minority community in State business; and

WHEREAS, on September 20, business and professional leaders from across the region will join together at the 18th Annual Minority Enterprise Development Week awards ceremony to honor Chicago's outstanding minority business entrepreneurs throughout the State for 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 19-22, 2000, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois in recognition of the contributions and achievements of minority entrepreneurs in Chicago and throughout our State.

Issued by the Governor August 14, 2000.
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2000-399

MOTHERS OF MULTIPLES WEEK

WHEREAS, the Illinois Organization of Mothers of Twins Clubs, Inc. (IOMOTC) was founded in 1962 as a not-for-profit, educational, public service organization for mothers of twins and higher order multiple birth children; and

WHEREAS, IOMOTC is proud of its involvement at the local, State and national levels for the continued benefit of its members; and

WHEREAS, IOMOTC provides the latest information on the rearing and development of multiples; and

WHEREAS, IOMOTC continues contact with doctors, researchers, social service agencies and educators; and

WHEREAS, IOMOTC maintains a data bank of information on the family history, pregnancy and delivery and special medical experiences of members and their multiples; and

WHEREAS, IOMOTC gives women from all over the State of Illinois the opportunity to share in the special and unique bond of being a mother of multiples; and

WHEREAS, in October, IOMOTC will host its annual, three-day convention at the Wyndham Hotel in Itasca;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-15, 2000, as MOTHERS OF MULTIPLES WEEK in Illinois.

Issued by the Governor August 14, 2000.
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2000-400

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